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Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal God, receive our prayers as incense of thanksgiving for Your goodness to the children of humanity. Lord, thank You for strengthening our Nation, protecting it from evil and guiding its citizens by the unfolding of Your powerful providence. Bless our Senators. Show them solutions to their problems and give them the courage to press on. Protect them from the traps of evil and the snares of transgression. Keep them from even desiring to do wrong as You guide them on the path that leads to life.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT OF 2013—MOTION TO PROCEED

Mr. REID. I move to proceed to Calendar No. 266, S. 1846, the flood insurance bill.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 266, S. 1846, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will resume consideration of S. 1845, which is the unemployment insurance extension.

The filing deadline for all first-degree amendments to the bill is 3 p.m. today, and the deadline for all second-degree amendments to the Reed substitute is 4:30 p.m. today.

There have been some discussions going on. The Republican leader and I have spoken. I have spoken with Republican Senators and Democratic Senators, which I am sure my friend the Republican leader has done. We have one vote scheduled this afternoon at 5:30, and that is on Robert Wilkins to be a circuit court judge. We will see if we are going to go forward with the two additional votes on cloture tonight or put them over to tomorrow. We are not in a position today, neither the Republican leader nor myself, to do anything other than to proceed. If we get something worked out before we have the first vote, then we will maybe set this over for a reasonable period of time. If we can't, we will just have these two votes.

CONSEQUENCES OF INACTION

Mr. REID. Mr. President, it is often said that actions have consequences, and that is an understatement, but in the Senate inaction also has consequences. My Republican colleagues are very effective at creating gridlock in this body—at preventing the Senate from doing its job. While this type of obstruction may serve Republicans' political purposes, it does not serve this country's purposes generally; that is for sure. It may serve the Republicans' political purposes, but it does not in any way lead to something that is good for the country's purposes.

On Friday I received a letter, as did the Republican leader, from Secretary of State John Kerry. John Kerry is someone who understands the Senate, having served here for a quarter of a century. After a year at the State Department, more than a third of Secretary Kerry's leadership team remains vacant—1 year and it remains vacant. Four of his six under secretaries have yet to be confirmed, and 58 State Department nominees are pending before the Senate. In just that one department, that one cabinet slot, we have 64 spots that are left floating around out there someplace. This is unacceptable. At a time when our Nation needs a robust presence abroad, the Senate is stuck. The State Department cannot afford for a third of its leadership positions to be vacant. It is not good for the State Department, it is not good for our country, and it is not good internationally.

This is what Secretary Kerry said, among other things, in the letter he wrote to us:

It is not an overstatement that today so many critical national security positions are still awaiting confirmation that it is now affecting our ability to do the nonpartisan work of American foreign policy; defend the security of our Nation, promote our values, protect our interests and help our businesses compete overseas, which creates jobs for Americans. Simply stated, the backlog in confirmation of State Department nominees is impacting our national security and weakening America's role in the world.

Mr. President, the Senate's inaction, its failure to carry out its duty to advise and consent, has consequences.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Why are we not moving forward? It is because of obstruction by the Republicans in the Senate.

Under the adept leadership of Chairman MENENDEZ, the Senate Foreign Relations Committee is expected to report out at least 31 State Department nominees this week. Many of those nominations were made months ago and returned to the President at the end of the first session of the 113th Congress. Why were they returned? Because of obstruction of the Republicans.

It is incumbent upon the Senate to promptly consider all nominees, and in particular the vital nominees who will protect our national security and our role as a world leader. Unfortunately, Republicans have made it difficult and time consuming to confirm any nominee no matter how essential or how noncontroversial. If the Senate can't even fill its constitutional duties, how can we hope to engage in a robust amendment process?

We waste so much time trying to get simple nominations done. They complain about not having amendments. In this last work period, Mr. President, we spent weeks eating up time that meant nothing to anyone.

The same Republicans who wasted months of the Senate's time last year are now bitterly complaining that the Senate does not spend enough time considering amendments. Every hour Republicans force us to spend watching the clock, waiting to confirm nominees, to vote procedural motions before even beginning debate on legislation, is an hour we could have spent debating and voting on amendments.

We cannot have the extension of emergency unemployment insurance be bogged down by a raft of political amendments. Republicans are so obsessed with taking pot shots at the Affordable Care Act and staging political stunt votes that they are willing to derail a bill that will help 1.4 million out-of-work Americans. We can't allow that. It is unfair.

Still, the complaints of the minority have not fallen on deaf ears.

First my Republican colleague said they would not vote for an extension of unemployment benefits unless it was fully offset. I compromised. It is fully paid for in the bill before this body.

Next my Republican colleagues said they would not vote for this legislation unless it enacted real reforms for the unemployment insurance program. I agreed. That is in the bill before the body.

Now many of my Republican colleagues say they will turn their backs on Americans who have been out of work for months and months unless they have an opportunity to vote on amendments to this bill. Although I wonder what Republicans will demand next, I am willing to do what it takes to protect middle-class workers struggling to find jobs. So reasonable amendments, a reasonable number, relevant amendments, of course we would be happy to take a look at that. I would be happy to do that. We have Tuesday caucuses every week. I will go over this with my caucus in some detail. But my Republican colleagues can't take yes for an answer. If they insist on swamping this important measure with extraneous political amendments, it will be clear they never wanted to extend unemployment in the first place.

If Republicans are serious about offering relevant amendments to strengthen and improve this bill, I am willing to sit down and talk about it. I am willing to allow votes on these amendments. However, I am not going to allow this legislation to be bogged down, as I have indicated, by meaningless votes or derailed by another doomed crusade to strip millions of Americans of the affordable care they have now. And once Republicans get the amendment votes they want, I hope they will give 1.4 million out-of-work Americans the vote they want and need.

My Republican colleagues should remember that a final vote on this legislation—a vote for middle-class men and women who desperately want to work and desperately need help—is the only vote that really matters.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

UNEMPLOYMENT INSURANCE

Mr. MCCONNELL. Mr. President, my friend the majority leader is talking about the crush of nominations. Of course, the reason we have a crush of nominations is because of the decision of the majority to break the rules of the Senate to change the rules of the Senate last year, which produced the inevitable, entirely predictable consequence of sending an enormous number of nominations back down to the administration at the end of the session.

So the decision of the majority to run roughshod over the minority has a lot of consequences, one of which is pretty clear already: that it didn't streamline the nomination process as it was sold to the minority to do. It only made it more difficult.

On another matter, I would like to say a word about unemployment insurance.

The reason for the holdup should be pretty obvious at this point. Republicans have a lot of good ideas on how to pay for this extension. We also have a lot of proposals for getting at the root of the problem, proposals that would make it easier for folks who are struggling in this economy to actually find stable and fulfilling work or get retrained so they can find good jobs. That is a goal on which I expect we could all agree.

Unfortunately, up until the weekend the majority leader wasn't terribly interested in any of these ideas. He only seemed to want to extend the program without really paying for it, without doing much of anything to help private sector job creation, and without creating opportunities for targeted training that would help folks who are currently receiving unemployment assistance actually find a job.

So I think this is unfortunate. There is clearly no shortage of creative, constructive proposals out there which speak to the underlying problems, which speak to the urgent need to create more stable, good-paying jobs, and which make sure we don't increase our already out-of-control Federal debt. Some of these ideas actually come from Democrats. The Presiding Officer's senior Senator from Connecticut has an idea to create a program that subsidizes employment for low-income Americans so they aren't stuck in neutral while they search for permanent work. This is an idea which actually deserves debate and a vote.

As I have indicated in recent days, the majority leader should give other Senators more of a say in what we do around here, including members of his own conference. So hopefully his comments a few moments ago and over the weekend are a sign that we may be able to work this out in a way that the Senate can function the way it used to, which was that Members were able to actually offer amendments and get votes before we moved to final passage on important legislation.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1845, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1845) to provide for the extension of certain unemployment benefits, and for other purposes.

Pending:

Reid (for Reed) amendment No. 2631, relating to extension and modification of emergency unemployment compensation program.

Reid amendment No. 2632 (to amendment No. 2631), to change the enactment date.

Reid motion to commit the bill to the Committee on Finance, with instructions, Reid amendment No. 2633, to change the enactment date.

Reid amendment No. 2634 (to (the instructions) amendment No. 2633) of a perfecting nature.

Reid amendment No. 2635 (to amendment No. 2634), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Iowa.

RESTORING DELIBERATION

Mr. GRASSLEY. Mr. President, Senator MCCONNELL has made a very important call to restore the Senate as the great deliberative body it was intended to be. I would like to continue to add my voice to that call. In fact, I am going to expand on some observations I made previously before the Senate, I believe in the month of December last year.

The Senate is a unique body designed with a very unique purpose in mind. In the Federalist Paper 62, attributed to the father of the Constitution James Madison, the unique role of the Senate is explained this way:

> The necessity of a Senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions.

When Madison talks about ''factious leaders'' and ''intemperate and pernicious resolutions,'' he basically means what we call partisanship and the ''my way or the highway'' approach to legislating all too common these days.

What might come as a shock to anyone who has followed the Senate lately is the fact that the Senate was specifically designed to check partisan passions and ensure that Americans of all stripes are fairly represented through a deliberative process. Clearly, the Senate is not fulfilling the role the Framers of the Constitution intended, in recent years.

To find out what went wrong, we first have to examine how the Senate was supposed to function. About this propensity of legislatures to be dominated by factious leaders acting intemperately, Madison goes on to say:

> Examples on this subject might be cited without number; and from proceedings within the United States, as well as from history of other nations.

Note that in advocating for the creation of a Senate to counter this negative tendency, Madison references examples from proceedings within the United States. Many State legislatures in the early days of our Republic were unicameral, with frequent elections and weak executives. This led to many instances where a temporary majority faction would gain control and quickly pass legislation that advantaged the majority at the expense of the minority.

The Senate has been called the greatest deliberative body in the world because it was specifically designed to proceed at a measured pace and to guarantee that the rights of the minority party be protected.

James Madison wrote in Federalist Paper No. 10:

> Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minority party, but by the superior force of an interested and overbearing majority.

What is unique about the Senate is that the rules and traditions force Senators to work together to prevent Madison's ''overbearing majority'' from steamrolling the minority party. Because the rules of the Senate are built around consensus, as opposed to the House of Representatives where the majority party dominates, it forces Senators of all parties to listen to each other and to work together. While that was true most of my time in the Senate, it has changed in recent years. If anyone wonders why the tone in Washington has become so heated recently, the loss of the Senate as a deliberative body is certainly a big factor.

There is an apocryphal story which may or may not be historically accurate but which certainly depicts how the Senate was intended to function. The story goes that when Jefferson returned from France, where he was serving during the Constitutional Convention, he asked George Washington why the Senate had been created. Washington supposedly replied by asking Jefferson, ''Why did you pour that tea into your saucer?''

''To cool it,'' Jefferson said.

Washington responded, ''Even so, we pour legislation into the senatorial saucer to cool it.''

In the House of Representatives, the Rules Committee sets out the terms of debate for each bill. If you want to offer an amendment in the House, you have to go hat in hand to the Rules Committee and ask their permission. If the House leadership doesn't like your amendment, you are out of luck.

By contrast, the Senate has a tradition of allowing extensive debate and amendments by any Senator without prior approval from anybody. However, that tradition has gone out the window under the current majority leadership. We have seen an unprecedented abuse of cloture motions to cut off the deliberative process paired with a tactic called filling the tree—blocking amendments from being considered. The Senate majority leader has effectively become a one-man version of the House Rules Committee, dictating which amendments will be debated and which ones will never see the light of day. He has done so again on the unemployment bill currently before this Senate. In fact, he has been quite unashamed about saying he is not going to allow any amendments. This strips the ability of individual Senators to effectively represent their State, regardless of political party. Blocking amendments also virtually guarantees that any legislation the Senate votes on will be more partisan in nature, violating the very purpose of the Senate according to James Madison.

By empowering the majority leader at the expense of individual Senators, the people of the 50 States lose their voice in the Senate and party leaders get their way instead. The people of Iowa sent me to the Senate to represent them, not to simply vote up or down on a purely partisan agenda dictated by the majority leader.

Everyone complains about the lack of bipartisanship these days, but there is no opportunity for individual Senators to work together across the aisle when legislation is drafted on a partisan basis and amendments are blocked.

Bipartisanship requires giving individual Senators a voice, regardless of party. That is the only way to get things done in the Senate. In the last decade, when I was chairman of the Finance Committee and Republicans controlled the Senate, we wanted to actually get things done. In order for that to happen, we knew we had to accommodate the minority, we had to have patience and humility and respect for that minority—attributes that do not exist on the other side anymore. We had some major bipartisan accomplishments, from the largest tax cut in history to the Medicare prescription drug program, to numerous trade agreements. Those kinds of major bills do not seem to happen anymore.

The Senate rules provide that any Senator may offer an amendment regardless of party affiliation. Each Senator represents hundreds of thousands to, in the case of California, 36 million Americans, and each has an individual right to offer amendments for consideration. The principle here is not about political parties having their say but duly elected Senators participating in the legislative process.

Again, as part of our duty to represent the citizens of our respective States, each Senator has an individual right to offer amendments. This right cannot be outsourced to party leaders. The longstanding tradition of the Senate is that Members of the minority party as well as rank-and-file Members of the majority party have an opportunity to offer amendments and get votes in the Senate.

The now-routine practice of filling the tree to block amendments has been a major factor in the destruction of the Senate as a deliberative body. This is usually combined with filing cloture to cut off further consideration of a bill, which has occurred to a truly unprecedented extent. In a deliberative body, debates and amendments are essential, so cloture should be rare. Abuse of cloture strikes to the very heart of how the Senate is intended to work.

It is important to note the majority leader has tried to pass off the cloture motions he has filed, which are attempts by the majority party to silence the minority party, as nothing but Republican filibusters. There seems to have been a concerted attempt to confuse cloture motions with filibusters. But the Washington Post fact checker has caught the majority leader in this distortion, giving his claim of unprecedented Republican filibusters two Pinocchios. In fact, a report by the nonpartisan Congressional Research Service called ''Cloture Attempts on Nominations: Data and Historical Development,'' written by Richard S.

Beth, contains an entire section entitled ''Cloture Motions Do Not Correspond With Filibusters.''

The abuse of cloture, often combined with the blocking of amendments, prevents all Senators from doing what they were sent to do—not just Members of the minority party. It has even gotten worse. Even where the majority leader has decided he is going to be open to amendments, he has created out of whole cloth new restrictions to limit Senators' rights.

First, he normally only opens the amendment process if there is an agreement to limit amendments. This is usually only a handful or so of amendments. Then he has magically determined that only germane or relevant amendments can be considered. Of course, nowhere do the Senate rules require amendments to be germane, other than postcloture. Senators elected in the last few years appear to be ignorant of that fact. We will hear some of my colleagues argue against an amendment saying it is nongermane or nonrelevant. They have fallen totally for the majority leader's creative rulemaking, thus giving up one of their rights as a Senator with which to represent their State.

I cannot count how many nongermane or nonrelevant amendments I had to allow votes on when I processed bills when Republicans were in charge. They were usually tough political votes. But we took them because we wanted to get things done and that is the way the Senate operated. You do not see that nowadays. The current majority avoids tough votes at all costs. If you wonder why things do not get done around here in the Senate, that is one of the reasons they do not get done.

The American people sent us to get the work done and to represent our constituents and that means voting, not avoiding tough votes. We sometimes hear this is a question of majority rule versus minority obstruction. Again, that ignores that each Senator is elected to represent their State, not simply to be an agent of one of the political parties. There are policies that have majority support in the Senate that have been denied a vote. Understand, we have been denied votes on amendments that even a majority of this Senate supports.

What happened during debate on a budget resolution proves my point. The special rules of the budget resolution limit debate so it cannot be filibustered, but it also allows for an unlimited number of amendments. A Republican amendment to the Senate Budget Committee in support of repealing the tax on lifesaving medical devices in President Obama's health care law passed by an overwhelming 79-to-20 vote, with more than half of the Democrats voting with the Republicans rather than their party leader.

We also had a Republican amendment in support of the approval of the Keystone XL Pipeline to bring oil from Canada, and that passed 62 to 37. Votes such as these that split the Democrats and hand a win to Republicans are exactly what the majority leader has been trying to avoid by blocking those very same amendments on legislation. Of course, that is probably the explanation of why we did not take up a budget resolution for more than 3 years prior to this year.

Until we put an end to the abuse of cloture and the blocking of amendments, the Senate cannot function as James Madison and the Framers of the Constitution intended. We must bring back the Senate as a deliberative body. Our politics today desperately need the cooling saucer of the Senate, as George Washington described the Senate to Jefferson. The action by the majority leader to make it easier to consider nominations on a purely partisan basis went in the wrong direction. In the face of bipartisan opposition and with no Republican votes, the so-called nuclear option established a precedent, effectively overruling the rules on the books. A better move would be for the Senate to establish the precedent that filling the tree and abusing cloture to block a full amendment process is illegitimate.

It is time to restore the Senate so it can fulfill its constitutional role. Senator MCCONNELL has made a thoughtful and well-reasoned appeal. I hope my colleagues will listen for the sake of this institution, for the good of the country as a whole, and out of respect for the Framers of the Constitution who set up the Senate as a unique deliberative body.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, last week I said on the Senate floor that serving in the Senate is becoming like being asked to join the Grand Ole Opry and not being allowed to sing. Here is what I meant by that. Take last week. The Democratic majority leader from Nevada brought up unemployment compensation.

How do we help unemployed Americans go to work? I can't think of an issue more important to our country. All of us have ideas about how to do this, but he brought up his idea. It hasn't been considered by a committee. When he put it on the floor, he cut off amendments, he cut off debate, and he cut off votes.

Soon we will be discussing minimum wage. How to increase family incomes in America is the foremost issue facing our country. We all have ideas about that.

We were elected to deal with it. We have been in a long period of unemployment. We believe the economy is bad for a variety of reasons. We—on this side—believe a big, wet blanket of rules and regulations have been increased by the Obama administration. We want to debate that. We want to talk about it. We don't believe the old idea of a minimum wage is the solution. We are for maximum new jobs and maximum job training and learning opportunities so people can get those jobs. We want the economy to grow. We should be debating that. That is why we are here. But the Senator from Iowa, my good friend and the distinguished chairman of the Health, Education, Labor, and Pensions Committee, said, No, we won't hear this in committee. There might be embarrassing amendments. So, unfortunately, insofar as the way the Senate functions, this year is beginning just as last year ended, and Republicans objected to this.

Some of the news outlets wrote down—I read some of the stories this morning—and they said, After a while, the Senate will begin to debate internal procedure and process. Sometimes process is important. We have something called the U.S. Constitution. It is kind of old-fashioned. It has a lot of process in it. In fact, it has a checks-and-balances system in it that is envied by the world. There are citizens all over the world who would like to have a government that functions in the way ours has for over two centuries. Process can be very important. In this case, as the Republican leader often says, process and procedure are substance, because when we are not able to talk about unemployment compensation, when we are not able to offer our ideas about how to help unemployed Americans go back to work, that is substance.

That is a central issue facing our country. We think we have better ideas than the idea the majority leader put on the floor and we would like to present those ideas on behalf of the people who elected us. We are not the important ones. We are all political accidents here—all 100 of us. We all know that. We worked pretty hard to get here and we had some luck to go along with it. What does that give us? Not just a chance to have our say, but to have a say on behalf of the people of Tennessee, in my case. They want me to weigh in on the big issues before our country.

ObamaCare is one of the reasons so many people are unemployed. I am sure the other side doesn't want to talk about that. I wouldn't if I voted for it. But I was in a room with the chief executive officer of a major restaurant company who told me that because of the new costs of ObamaCare on his large company, they were going to start running their restaurants with 75 employees instead of 90 employees. That doesn't sound like more jobs to me; that doesn't sound like help for unemployed Americans.

This is the forum in which we debate these issues. So I suppose it might be embarrassing for our friends on the other side to debate these issues, but it shouldn't be. If they believe in them, they should want to stand up and defend the issues, just as strongly as we want to say our point of view. I suspect there are a good number of my Democratic friends who have amendments they would like to offer on putting unemployed Americans to work. They might wonder, How did I ever get to a U.S. Senate where I can't do that, just as someone might wonder in Nashville, why did I join the Grand Ole Opry if they won't let me sing?

The majority leader's actions go to the very heart of our government. It is not about internal procedure, it is not about process. It is about the major issues facing our country.

Tennesseans didn't send me to Washington to rubberstamp the majority leader's ideas—not this majority leader or any majority leader. Tennesseans sent me here to represent them and to advocate their point of view and to give them a say on ObamaCare, on balancing the budget, on fixing the deficit, on helping unemployed Americans find jobs, on dealing with wages, on raising family incomes. That is why I am here. That is my job. And they expect me to have a chance to have not my say but their say on the issues that face the American people. By his actions, the majority leader is destroying the Senate, which was once described as ''the one touch of authentic genius in the American political system.''

There is a new book out which I mentioned on the floor the other day. My guess is it will become the leading history of this body. It is written by the former Senate Historian, Richard Baker, and the late Neil MacNeil, who wrote what many consider to be the best history of the House of Representatives. They say in the book that the genius I just talked about—''the authentic touch of genius that is the Senate''—the major reason for that is the opportunity for extended debate.

They point out, as I think any of us would, that there have been abuses with the filibuster, more delays than are necessary; that the Senate doesn't work as well as it should not just over the last few years but over a long period of time. But the fact is, in this body, which is virtually unique in the world in requiring that 60 of 100 Members must agree before we cut off debate, that helps forge consensus. That helps forge consensus, as we did on the student loan agreement earlier this year. There is a good example of a good debate, of different opinions on both sides of the aisle, of Democrats and Republicans working together. When we finally got to 60 or 65, we got a result with the Republican House of Representatives and the Democratic President going along with us, and it was a victory for the students of this country. We cut in half the interest rates they pay and took the whole argument out of a political football.

The Senate was created for three reasons. The first is to encourage and forge consensus. We govern a complex society with consensus, not with ramrodding partisan ideas through one body or the other. We have a body for that; it is called the House of Representatives. Win it by one vote—the Rules Committee has two times as many members of the majority as the minority, and the majority can pass anything they want to pass. Send it over here, and the tradition has been to slow it down and cool it off. We take a second look.

The passions of the democracy—what de Touqueville called in his trip across America in the early 1800s—the great danger he saw to our country was the tyranny of the majority. He saw that as one of the two great dangers to the American democracy. And the Senate has been, through all that period of time, the guardian—the guardian of minority rights, the guardian against the excesses of the Executive, which in our country is the President. The Founders didn't want a king, so they set up this elaborate system of checks and balances, and the Senate is the key to that.

What is different about the Senate is the opportunity for extended debate. But, the Majority Leader now brings up a bill—one Senator's idea—cuts off debate, cuts off amendments, cuts off votes, that is it. That is not the way to govern our country, particularly on an issue of how do we put unemployed Americans back to work.

The Senate is losing its capacity to do the things it was created to do in the following ways: No. 1, less advice and consent. On November 21, the Democratic majority decided 60 votes are no longer needed to cut off debate on most Presidential nominees. So try asking a nominee: Will the National Security Agency stop monitoring the Pope? Now there will be no response, because the majority can ram through nominees.

The Senator from Nevada, the distinguished majority leader, said in 2006—I heard him and he put it in his book—that cutting off—allowing the majority to cut off debate would be the end of the Senate. The end of the Senate. Apparently, he changed his mind.

Operating without rules. The distinguished Senator from Michigan, Senator LEVIN, said on November 21: ''A Senate in which a majority can change the rules at any time is a Senate without rules.'' It is as if the Red Sox, finding themselves behind in the ninth inning in the World Series, added a couple of innings to make sure they won. When he wrote the Senate rules, Thomas Jefferson said it is not so important what the rule is, but that there be a rule.

Ignoring Executive orders. While it ignores its own rules, the Senate meekly watches as the Obama administration changes the health care law, suspends immigration laws, and rewrites labor laws.

Tolerating more czars. President Obama has appointed more czars than the Romanovs did. In both Russia and the United States, czars don't report to elected representatives.

Not passing appropriations bills. Hopefully, that is going to change. But the Senate's repeated failure to pass appropriations bills canceled the Senate's check on the Executive's power to spend.

Illegal recess appointments. That is being debated today in the Supreme Court. The majority acquiesced when President Obama used his recess appointment to appoint members to the National Labor Relations Board when the Senate was not in recess. Fortunately, three appellate courts disagreed with the President and the Supreme Court will decide. Hopefully, the Supreme Court agrees with the appellate courts. Otherwise, the Senate might go out for lunch and return and find that we have a new Supreme Court Justice.

There is blame to go around, and I am sure any of my friends on the other side who are listening would be quick to point that out. Baker and MacNeil pointed that out in their book. There have been abuses of the filibuster. It is true that some Republicans have unduly delayed nominations and unduly delayed legislation. And that is not new. I have seen it in other years. I have pointed out on this floor how Senator Allen from Alabama, in the 1970s and 1980s, would tie the Senate into knots with his knowledge of the rules. Senator Metzenbaum from Ohio would sit right down there on the front row and if a Senator wanted to pass a bill, that Senator had to go see him, and if the Senator didn't amend his bill to do what Senator Metzenbaum wanted done, he would use Senate rules to block it.

So this has never been an easy place to get something done, but it wasn't ever supposed to be. It was supposed to be a place where every single Senator is an equal, where every Senator's voice is not his or her voice but the voice of people that Senator represents. It is supposed to be a place of extended debate where almost any amendment can be discussed for almost any length of time, and usually the clock is all that would cut the debate off. But there has been a procedure by which a consensus can cut it off, and when we reach that consensus, we usually reach a result that can even pass unanimously after it has been massaged and changed and worked through and considered.

I think of the legislation we just passed on compounding pharmacies and making drugs more safely; making drugs more safe, 4 billion prescriptions a year. It went through the committee process, through both Houses, and eventually passed unanimously because we reached a consensus.

The delays that have occurred on nominations because, so-called, of the changes in rules on November 21 are hardly a crisis. Nonjudicial Presidential nominees have almost never been denied their seats by a filibuster. Before the November rules change, there were two for President Obama, three for President Bush, two for President Clinton, and none before that, in history. That is seven. Only seven nonjudicial Presidential nominees, in the history of the Senate, had ever been denied their seats by a filibuster. Maybe it takes a while, but that is so we can ask questions.

The day before the rules were changed, I looked at the Executive Calendar—this calendar we have on our desks. It includes every single nomination that can be brought to the floor. If I have my numbers about right, there were not many people on the calendar. Half of them have been held up by the Senator from South Carolina who is trying to get some answers on Benghazi. That has happened many times in this body. If Senators want an answer, they do that to make the Executive tell them what is going on. There were only 8 nominees, I believe, who had been on the calendar for more than 9 weeks and only 16 others who have been on for more than 3 weeks.

So there were not very many people on the Executive Calendar, and we had changed the rules to make it easier to confirm them, anyway. There were 13 district judges, so the majority leader could bring them up on Thursday—Friday is the intervening day—and Monday there could be 2 hours of debate on each judge, and we could confirm four or five by doing it over the weekend in that way. But, no, we had to change the rules in the way that it was done.

The Senate does not need a change of rules; it needs a change in behavior. The current majority leader, I would respectfully suggest, could start by following the example of Majority Leaders Robert Byrd, a Democrat, and Howard Baker, a Republican, during the 1970s and 1980s. Here is how they would do things, and this is the way the Senate ran until 5 or 6 years ago. Baker and Byrd would bring legislation to the floor. Usually they would go to a committee and say to a chairman: We will put it on the floor if you and your ranking member of the other party agree. So you would have two Members—a chairman and a Republican ranking member; not the leaders—standing up there at the two desks. They would put the bill on the floor that already had gotten a consensus in the committee. Then, the majority leader would ask for amendments to the bill, and sometimes he would get 300—300. Then, he would ask consent to cut off the offering of amendments and to consider voting on them in an orderly way, all of which was written out in the unanimous consent agreement. Of course, he would get the unanimous consent to do that because everybody who wanted to offer an amendment could.

Then they would go to work. They would start on Mondays, and they would work into Monday night and on Tuesday and on Wednesday. They would table many of the amendments. That does not take long: 10 minutes of debate and table it with 51 votes.

Senator Byrd said in his book that when the Panama Canal Treaty came up at a time when he was the majority leader and Baker was the Republican leader, they had 192 amendments and reservations—many of them killer amendments—but he allowed every one of them, and he defeated every killer amendment. But he said: If we had not allowed them, we never would have gotten the ratification of the Panama Canal Treaty. The Senators had their say on the Panama Canal Treaty.

So after a while, those 300 amendments that might have been offered on Monday are whittled away. Some are accepted, some are dropped, some are voted on, some are tabled, and by about Thursday—the majority leader has said at the beginning of the week: We are going to finish the bill this week—people are ready to go home. Then they begin to think more carefully about whether their amendment is really that important. So they vote Thursday night, and they maybe vote Friday, and if they have to, they vote Saturday. But most of the time they finish their work on Friday.

They were not afraid, those majority leaders, to allow amendments. They were not afraid to defeat amendments. I believe if the majority leader would allow the Senate to work in this way, he would not have any problem on this side of the aisle with efforts to keep bills from coming to the floor. Almost all of the effort to keep bills from coming to the floor has to do with minority Members not being allowed to have the say of the people who elected them to serve.

Instead, the majority leader has set records for bringing legislation to the floor without committee approval, cutting off amendments, and records for cutting off debate. So there are no votes on reforming military sexual assaults, completing Yucca Mountain, sanctioning Iran, and other vital concerns, no votes on unemployment compensation or how to put unemployed America to work.

The Senate has become a Tuesday-Thursday club run by one Senator and orchestrated by the White House. One reason this is tolerated is that 43 Senators are in their first term—43 Senators are in their first term—most of them in the majority. They have never served in the minority. They have never seen the Senate function properly, the way it functioned for most of its 200-plus year history.

Most importantly, those Senators in their first term may not have heard Senator Byrd's final address when, among other things, he said that any majority leader could run the Senate under the then-existing rules. I ask unanimous consent to have printed in the RECORD, following my remarks, an article from the Wall Street Journal from last Friday on this subject.

In an important address last week, Mr. MCCONNELL, the Senator from Kentucky, the Republican leader, described three ways to restore the Senate: full committee consideration of bills; bills thoroughly debated, with robust amendments on the floor; and a decent week's work. We might work Monday through Friday instead of Tuesday through Thursday.

The Senate could change overnight. It does not need a change of rules. The Senator from Kentucky did not say that it has always been easy to navigate the Senate. The ideal regular order never has and never will be without exceptions. But what we call the regular order has become the exception rather than the rule.

I would hope we do not wait until November or the next year to restore the Senate to its proper place as the authentic piece of genius in the American government—the unique body, the unique senate in the world because of the opportunity for extended debate. It could change overnight by considering bills most of the time that went through committee, most of the time having a robust amendment process and debate on those bills, and vote on them. If it took Monday through Friday to get that work done, then we should do it. Otherwise, the great issues facing our country—what kind of health care system do we have? How do we help unemployed Americans go to work? How do we improve learning opportunities in this new America, where so much is decentralized and so much is on social media?

These are very exciting times. Daniel Boorstin, the former historian of the United States and Librarian of Congress, in his wonderful books on America, used to talk about verges, that when America was at a verge—and we have been there many times in our history—that we were more open to innovation, that we were more self-aware of where we were, that we tended to rely on each other, and that we changed our country for the better.

That is where we are today. We want better learning opportunities, better job training, better health care. Washington is in the way of much of that, and we need to debate how to change that.

So I would hope my friend, the distinguished majority leader, will listen to what the Republican leader had to say and reflect on the many years he has served here and realize all we are saying is we would like to have a say on behalf of the people who elected us on the great issues facing our country. Bring a bill through committee, bring it to the floor, let us have debate—defeat our amendments; you should be able to with a tabling motion—and then let's come to a result.

I think the American people would gain much more confidence in the Senate because it would deserve more confidence if it conducted issues in that way. But this diminishing of the Senate is tragic for a country with large problems to solve and whose system of checks and balances has been envied around the world.

I thank the Presiding Officer.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 10, 2014]

HARRY REID'S SENATE SHUTDOWN

(By Kimberley A. Strassel)

The popular judgment that Washington's dysfunction is the result of ''partisanship'' misses a crucial point. Washington is currently gridlocked because of the particular partisanship of one man: Senate Majority Leader Harry Reid. And Republicans are warming to the power of making that case to voters.

It's often said the 113th Congress is on track to become the ''least productive'' in history—but that tagline obscures crucial details. The Republican House in fact passed more than 200 bills in 2013. Some were minor, and others drew only GOP votes. But nearly a dozen were bipartisan pieces of legislation that drew more than 250 Republicans and Democrats to tackle pressing issues—jobs bills, protections against cyberattack, patent reform, prioritizing funding for pediatric research, and streamlining regulations for pipelines.

These laws all went to die in Mr. Reid's Senate graveyard. Not that the Senate was too busy to take them up. It passed an immigration and a farm bill. Yet beyond those, and a few items Mr. Reid was pressed to pass—the end-year sequester accord; Hurricane Sandy relief—the Senate sat silent. It passed not a single appropriations bill and not a single jobs bill. Of the 72 (mostly token) bills President Obama signed in 2013, 56 came from the House; 16 came from the chamber held by his own party.

This is the norm in Mr. Reid's Senate, and for years he has been vocally and cleverly blaming the chamber's uselessness on Republican filibusters. This is a joke, as evidenced by recent history. Mr. Reid took over the Senate in early 2007, and it functioned just fine in the last two years of the Bush administration. It didn't suddenly break overnight.

What did happen is the Senate Democrats' filibuster-proof majority in the first years of the Obama administration—when Mr. Reid got a taste for unfettered power—and then the GOP takeover of the House in 2011. That is when the Senate broke, as it was the point at which Mr. Reid chose to subvert its entire glorious history to two of his own partisan aims: Protecting his majority and acting as gatekeeper for the White House.

Determined to protect his vulnerable members from tough votes, the majority leader has unilaterally killed the right to offer amendments. Since July, Republicans have been allowed to offer . . . four. Determined to shield the administration from legislation the president opposes, Mr. Reid has unilaterally killed committee work, since it might produce bipartisan bills. Similarly, he's refused to take up bills that have bipartisan support like approving the Keystone XL Pipeline, repealing ObamaCare's medical-device tax, and passing new Iran sanctions.

Here's how the Senate ''works'' these days. Mr. Reid writes the legislation himself, thereby shutting Republicans out of the committee drafting. Then he outlaws amendments.

So yes, there are filibusters. They have become the GOP's only means of protesting Mr. Reid's total control over what is meant to be a democratic body. It isn't that the Senate can't work; it's that Sen. Reid won't let it.

Pushed over the brink by Mr. Reid's November power play—scrapping the filibuster for Obama nominees—Senate Minority Leader Mitch McConnell began 2014 with a rip-roaring Senate-floor speech. On Wednesday he set the record straight on the Reid tactics that have created Senate dysfunction. He then outlined how a GOP majority would restore regular order and get Washington working. This is a ''debate that should be of grave importance to us all,'' he said.

It's of growing importance to Republicans, who are taking up this theme in speeches and media briefings—putting greater attention on Mr. Reid's singular role in Washington paralysis. Asked this week whether the GOP would be allowed to amend an unemployment-benefits bill, Sen. John McCain quipped: ''you'll have to go ask the dictator.'' Speaker John Boehner, at a recent news conference, lamented the ''dozens'' of House bills that ''await action in the Senate,'' while Majority Leader Eric Cantor berated Mr. Reid for sitting on ''bipartisan'' jobs legislation.

This brings to mind Republican Sen. John Thune's 2004 defeat of South Dakota's Tom Daschle, which he did partly by highlighting Mr. Daschle's obstructionist majority-leader record. The comparison isn't perfect, since Mr. Daschle was up for re-election (Mr. Reid is not) and since the obstructionism was more noticeable at a time when the GOP ran both the House and White House. Then again, the Reid theme is the sort that will resonate with the GOP grass roots, refocusing their efforts on a Senate victory.

In an election that is going to be about ObamaCare, Republican Senate candidates are already reminding voters that it was Mr. Reid's Senate abuse that created the law. And in the wake of the shutdown and endless government-created ''crises,'' more Americans are worried about the state of Washington institutions, and eager for change.

''Process'' arguments are hard to make to voters, but Mr. Reid is a face for the process problem. Demoting Harry Reid won't in itself fix Washington. But it would be a grand start—and that alone makes it a potentially powerful campaign theme.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we are currently debating yet another extension to the emergency unemployment compensation program. While there are differences of opinion in this Chamber about this particular program, I think we would all agree that the fact we are even having this debate is unfortunate.

Make no mistake, our Nation continues to face difficulties when it comes to job growth, labor force participation, and long-term unemployment, as has been the case throughout the Obama administration. Under this administration, it has been harder to find a job than at any other point in our Nation's recent history.

But let's be clear about something. The plight of the long-term unemployed is not the major problem facing America today. It is, instead, just a symptom of a much larger problem.

That larger problem is the fact that despite the efforts of many of us here in Congress, our government has not done enough to promote economic growth in this country. Far too often, our government has interfered in ways that have stunted growth and prevented a robust recovery from taking place.

Five years into his Presidency, it is clear that President Obama does not have a plan to address these problems. Surely, he has a list of ways that he would like to expand the government and redistribute income but nothing resembling a plan to promote private-sector job growth. Instead, he has a political plan of attack, and this debate over unemployment insurance is part of that attack plan.

Over the last 5 years we have seen a series of big-government ''solutions'' that have all failed to produce real economic results.

The administration pushed through the supposed temporary stimulus, which ended up being little more than a laundry list of longtime Democratic Party policy priorities that had little or nothing to do with actually stimulating the economy. The administration also decided to devote its attention to expanding the alphabet soup of financial regulators, while failing to address factors that were at the heart of the recent financial crisis.

Lacking ideas of its own, the Obama administration created and turned to a Jobs Council to try to understand private job creation, only to later dissolve the council while not having instituted any meaningful policies to create jobs.

The largest and most intrusive big-government edict we received from the administration and its allies in Congress is, of course, ObamaCare. On a daily basis, the American people continue to suffer from the impact of this very misguided law.

People have lost their jobs or have been moved into part-time work. People have been forced off their health care plans. People have been forced, under fear of penalty, to purchase insurance coverage they do not want or need. People have had their private and financial information put at risk thanks to the lack of security in the ObamaCare exchanges, and perhaps worst of all, people have seen the cost of their health care go up across the board.

ObamaCare is the worst in a series of bad economic policies we have seen since this President came into office.

The results speak for themselves. At the beginning of a new year, we see very clearly what the President and his Democratic allies in Congress plan to do about all of this. The answer is nothing. Instead of working with us to enact projob and progrowth policies, they are picking fights with Republicans on issues such as unemployment insurance. Instead of trying to root out the causes of our economic problems, they are giving speeches vilifying anyone who might have a different view on these issues.

As I said, President Obama and the Senate Democrats have no economic plan, only a political plan of attack. Let's consider this debate on unemployment compensation insurance for a moment. I think there are many who would question why we did not have this debate about extending long-term unemployment benefits sooner. Democrats knew that temporary Federal unemployment benefits for the long-term unemployed were scheduled to expire at the end of 2013. Yet they did nothing to try to extend them before now.

Contrary to what some of my colleagues on the other side seem to believe, Republicans do not run the Senate. We do not control the committees. We do not run things on the floor. As we are seeing in the current debate over unemployment benefits, we do not even get a chance to offer amendments to many major pieces of legislation. Why is that? Why is it that the greatest deliberative body in the world can no longer offer amendments? It comes down to one thing—the Democratic leadership. They are afraid we might bring up amendments that are difficult for Democrats to vote on. Join the crowd. That has always been the case around here before this current leadership took over.

Every leader has tried to protect their side, but this has gone to the point of ridiculousness and the denigration of the Senate itself. The Democrats could have offered an extension of Federal unemployment benefits at any time before they expired in 2013. We could have debated the merits of the emergency unemployment compensation program, discussed alternatives, and perhaps even come up with a bipartisan compromise to help the long-term unemployed.

We could have even done that through regular order and using the committee process. But instead, Democrats ignored the program for an entire year, and in the very last days of the last congressional session and after we had adjourned for the year, we finally started hearing about the desperate need to protect the long-term unemployed, about how it was the highest priority for the President and Democrats in Congress to extend these benefits, and about those villainous Republicans standing in the way.

There are only two conclusions to draw from this: Either the Democrats forgot about unemployment benefits until the end of the year or they calculated it was better suited for their political attack plan to let them expire and then debate an extension afterward. I think it is pretty clear which conclusion is the correct one, especially since they control the Senate and they control the committees. They could have done just about anything they wanted.

So here we are debating another extension of the EUC Program, the Emergency Unemployment Compensation Program. We may as well be debating the merits of using a bandaid on a broken arm because, as I said, long-term unemployment is merely a symptom of the failures of the Obama economy. However, since the Democrats opted to put off this matter until we were actually beyond the last minute, we have not enacted or even debated any serious alternatives to Federal unemployment benefits and we are left with just another take-it-or-leave-it proposition from the majority leader.

That is what the majority leader seems to be saying to us. In fact, that is what he is saying to us in this debate—take it or leave it. Why would he do that? Apparently, no Republicans, not even the ones who supported cloture on the motion to proceed, will get an opportunity to offer amendments. The only amendment we will be voting on is the so-called compromise amendment the majority leader offered last Thursday. Of course, the amendment is not a compromise at all. It is nothing of the sort. Similar to the underlying bill it would add significantly to the deficit. The supposed pay-fors in the amendment would not even kick in under the normal 10-year budget window. Indeed, the Democratic whip in the House was voicing concern about using so-called savings from extending the sequester outside of the 10-year window asking, ''Frankly, if you adopt that logic, why don't we extend it until 2054 and fund everything we want to do?''

That is a dream some Democrats have. But fortunately there may be some people on the other side who realize this is a charade. In short, the amendment we will be voting on this afternoon, if we do, is a gimmick. It is designed solely to allow the majority to claim they are willing to pay for extending unemployment benefits, nothing more, nothing less.

Once again, this is apparently the only amendment we will get a chance to vote on when it comes to extending the Emergency Unemployment Insurance Compensation Program, which is par for the course under the current Senate majority. It is pretty clear what my colleagues in the majority want to do. Contrary to their claims, passing this legislation and extending unemployment benefits is not their highest priority. Their highest priority is to use the long-term unemployed as pawns in their political attacks on Republicans who support a different approach; one that is paid for, fairly paid for, honestly paid for, and understandably paid for.

If I am wrong and my colleagues on the other side of the aisle are serious about wanting to extend this program, why would they not allow votes on Republican amendments or even Democratic amendments? There are some complaints on the Democratic side—even we the Democrats, they are saying, do not have the privilege of bringing up amendments.

As we continue, the committees are a waste of time under the way the Senate is currently being run, because everything is run right out of the leader's office. Republicans have offered a number of amendments to the underlying legislation. Why not allow them to come up for a vote? Are they afraid we might pass some Republican amendments when they have 55 Democrats in the Senate? If, as the majority leader has claimed, none of our ideas is serious enough to warrant consideration, why not bring them up and let Democrats who have a majority in the Senate vote them down? That could have been done.

The problem is they know some of these amendments are worthwhile, worthy amendments that might pass. It might cause some heartburn to some on both sides maybe. I am certainly used to heartburn over the years, I will tell you that.

Republicans have offered a number of amendments to the underlying legislation. Why not allow them to come up for a vote? If, as the majority leader has claimed, our ideas are not serious enough to warrant consideration, why not allow them to be brought up, limit the time for the debate, and let the Democrats, who once again have a majority in the Senate, vote them down?

The only conclusion we can draw is that they are afraid, if we held a vote, some of our amendments might actually pass, which would distract from the political message they want to send with this debate on the floor. The minority leader and I have offered such an amendment, one I believe would actually pass if it were to receive a vote.

It is something that makes a lot more sense than what is going on here over the last number of days, weeks maybe. I would like to just take a few minutes to talk about our amendment, the McConnell-Hatch amendment. The McConnell-Hatch amendment would, if enacted, extend the Emergency Unemployment Compensation Program for a full year, taking unemployment benefits out of the 2014 political equation entirely. I would think my colleagues on the other side would jump at that kind of opportunity. In addition to this fix on the unemployment insurance issue, the McConnell-Hatch amendment would fix the military pension problems created under the recent budget agreement which has caused so much angst and heartburn among our military, among those who are serving our country in that manner.

There is bipartisan support for this endeavor. I believe we can fix it here and now. Best of all, unlike the underlying bill and the ''compromise'' offered at the end of last week, the McConnell-Hatch amendment is fully paid for within the normal 10-year budget window. In fact, it reduces the deficit by more than $1 billion over 10 years and does it in a fair, honest way.

One way it pays for the extension is to close the loophole in the law that allows people to claim both unemployment insurance and Social Security disability insurance. The majority leader claims he wants to do this. But our amendment does it in a much more efficient way, something that makes economic sense. However, the primary pay-for in our amendment, which once again allows us to extend unemployment benefits for a full year and fix the military pensions issue is a 1-year delay in the ObamaCare individual mandate—a 1-year delay. That is it.

I know some of my friends on the other side, including the distinguished majority leader, have already deemed this proposal controversial. But it should not be. The problems with the implementation of ObamaCare have been fully cataloged at length on the floor and elsewhere. No one in their right mind would argue that the implementation is going well—nobody. It is not going well.

This would give them a chance to amend this bill over the next year, although I do not think we can amend the bill—but at least give them a chance to. Sooner or later they are going to have to do it anyway. So what do they give up? Members of both parties have come out in support of delaying the individual mandate—of both parties, not just Republicans but Democrats. They know it is a disaster.

Regardless of where you stand on ObamaCare, if you support it or if you, as I do, want to see it repealed, delaying the mandate is a bipartisan idea and it makes sense. What are they afraid of? With a law this unpopular and a rollout going this badly, I would think that many of my friends on the other side of the aisle would get on board with a 1-year delay. Once again, such a delay would allow us to pay for a less-politicized extension of Federal unemployment benefits as well as allow us to fix our military pension problems.

It is a win-win proposition. It is hard for me to understand why they will not do this. As I said, I know the Senate Democratic leadership despises this idea. They have already come to the floor and mischaracterized it on a number of occasions. However, I believe that if this approach, the 1-year extension of unemployment benefits and the military pension fix, paid for primarily by a 1-year delay in the individual mandate, were brought to a vote in the Senate, Members of both parties would support it.

It would be a bipartisan approach to these things that would be worthwhile. The same can be said for any number of amendments my colleagues have offered. I may be wrong about that, but I do not think I am. If I am wrong, what is the harm in having a vote on the McConnell-Hatch amendment? What is the harm in having a vote on any of the amendments Republicans have offered? What are my colleagues on the other side of the aisle afraid of?

We have been putting up with this now for too long a time. I remember the Senate when both sides worked together all the time. They battled even though they differed. They allowed amendments to come up even though sometimes it caused some heartburn to people on one side or the other. But we did it because this is a legislative body of freedom, which it has devolved in a way that there is not freedom. What is the harm in having a vote on any of the amendments? Let's have a limited number of amendments, not two, three or four. This is an important bill. Let's have some amendments that even Republicans can offer.

There are some Democratic amendments too. I suppose they may have some heartburn for Republicans. So what. What are my colleagues on the other side of the aisle afraid of? Once again, I do not think the Senate Democratic leadership is worried that I am wrong about some Democrats supporting the McConnell-Hatch amendment. They are worried I might be right. That is why my amendment will not receive a vote.

That is why as of right now, it appears no Republican amendments will receive votes, unless it happens among the few who were willing to support the first vote. Even then, I doubt they will have any votes. As I said, it seems as though Democrats are far more worried about sending a political message about unemployment insurance than they are with actually passing an extension. That is unfortunate. It is truly shameful.

However this debate unfolds, one issue is clear: The approach the President is taking is not working.

The economic approach the President is taking is not working. The tax approach the President is taking is not working. The so-called ''Affordable Care Act'' approach the President is taking is fraught with problems that could be solved if the Senate is allowed to truly work the way the Senate always has in the past. The approach the President and the Senate Democratic leadership is taking isn't working.

We are not creating jobs at a time when Americans need them. Americans need jobs, and we are not generating the type of growth that will allow for such job creation in the near future.

As far as I can see, we have two choices. We can either have these same fights over and over or we can work together to fix the real underlying problems facing our country instead of focusing on the symptoms and always playing the ridiculous game of politics.

I hope we will choose to work together. But if the tactics we have seen thus far on unemployment legislation are any indication, I think I am likely to end up quite disappointed.

I am concerned about the Senate. I am concerned about some of the very power-striking poses that have been going on around here that do not allow the Senate to work its will, do not allow for real bipartisanship, do not allow for bringing us together, and do not allow for decency on both sides. These are just plain power-seeking approaches that do not deserve praise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise in support of the Emergency Unemployment Compensation Extension Act.

I am pleased a 3-month extension of unemployment insurance for millions in Minnesota and across the country was able to clear its first hurdle in the Senate, but our work of course is not finished.

I urge my colleagues in the House and the Senate to pass an extension to renew these critical benefits so hard-pressed families in Minnesota and across our Nation can keep their heads above water while they search for work.

As I have traveled around Minnesota, I have heard from a lot of Minnesotans who wish to work. On Friday I had a roundtable conference. There were three women and some workforce professionals. These women are looking hard and have been looking. They are part of the long-term unemployed. These are women who were working: one is in her forties with two kids—one little kid, a 3-year-old child, a single mom; one was in her fifties; and one was about my age, in her early sixties.

While they are looking for jobs—and we had a professional there who said one of the hardest jobs is looking for a job. They need the unemployment insurance to stay in their homes and to put food on the table for their families.

In the wake of the worst recession since the Great Depression, too many people had good jobs and worked their entire lives—all of these women who had worked their entire lives had 20-, 30-, and 40-year careers and now they are out of work and remain out of work.

Unemployment remains high, and the long-term unemployment rate among workers who have been looking for work for at least 6 months has weighed down our economy. Today more then 4 million Americans, 37 percent of the unemployed, have been out of work for 6 months. This is the worst long-term unemployment since the Great Recession. That is why we need to extend the emergency unemployment compensation. These workers, the millions throughout the country, are worried they will lose their ability to pay for a roof over their heads and put food on the table for their families, for their children.

For most Americans, State-funded unemployment insurance runs out after 26 weeks. Yet the average unemployment spell now lasts over 2½ months longer. Emergency unemployment benefits provide for up to an additional 47 weeks of unemployment insurance for those Americans who need it while they are looking for a job.

When I talk about high long-term employment, these women, every one of them I talked to, were working very hard every day. One woman described it as saying: I am looking 24 hours a day. I have my smartphone, and I am hoping 24 hours a day that I get something, a response, an interview.

Right now we have three people looking for every job opening, but that doesn't mean that when someone applies for a job, there are only two other people looking. These women were telling me every time they applied for a job there were several hundred people looking. Very often they will apply for a job that a company announces, and the company will hire someone from inside the company, which is great for that person.

But this is not about people waiting for their unemployment to run out and then look for a job. That is not what it is about.

After Christmas, 1.3 million Americans lost their jobs and who are looking for work, including 8,500 Minnesotans. They lost this critical lifeline of unemployment compensation.

Remember, these women I talked about paid in. I am talking about 20 years of working, 30 years of working, 40 years in the workforce. If we don't renew these benefits over the next year, that lifeline will run out for another 3.6 million people, including 65,000-plus Minnesotans.

While Minnesota has been fortunate to have a lower unemployment rate than other States, I believe the 65,000 Minnesotans who will lose benefits without an extension deserve our support as they are looking for work.

Congress has never allowed special extended unemployment benefits to expire when the long-term unemployment rate is as high as it is today. In fact, at 2.5 percent, the long-term unemployment rate is nearly double the level when previous emergency benefits were allowed to expire. The current unemployment rate of 6.7 percent is far above nearly all previous rates seen at expiration and is 1.1 percent higher than when President George W. Bush signed the current round of benefits into law.

As I said, on Friday I met with several unemployed Minnesotans. Two out of the three were affected by our not extending the emergency unemployment insurance.

I wish to share a little bit of their stories but also people who have written in, Minnesotans who have reached out to me about how failing to extend unemployment insurance will affect them.

John from Cushing, MN, wrote in December:

I am a 58 year old sales and marketing professional that was laid off due to a force reduction and have been unemployed for a year. I have not been able to find even part time work. I have exhausted my severance package and most of my liquid savings just to cover financial obligations and essentials such as food and utilities. Additionally, I do not have any health care coverage as my income has been limited to unemployment compensation. Now that the Federal Extension is about to expire, beginning next week I will have zero income and no job offer pending. I would appreciate your support in doing what you can to re-instate the Federal Unemployment Extension in Minnesota as for me personally, it is of extreme need and I would expect many others around the country may also be in such dire straits.

Almost half—I believe it is the majority of Americans—sometime in their lives hit a hard patch and our job is to be there for them.

Debbie from White Bear Lake wrote:

There are many of us out here who will run out of benefits next year and are still unable to find a decent job. I have been out of work for over 4 months and am spending at least 5–6 hours a day (EVERY day) looking for a job. While this may not seem that long, I am already concerned about my state unemployment running out and having nothing. . . . The people that actually work are the ones that spend money to help the economy.

She is right. We know from CBO that if we extend unemployment insurance these people spend the money and it goes immediately out in the economy and actually the CBO says this will sustain about 200,000 additional jobs. If we don't do this, we will create 200,000 less jobs over the next year.

On Friday I met with Ann from Eden Prairie, who wrote:

I have unfortunately been unemployed since being downsized from a small consulting organization in April, 2013. . . . I have been extremely active in my job search—

Boy, has she. I will say all of these women were upgrading their skills. Some of them had gone back to school to upgrade their skills and are still not being successful in finding work.

She continues:

—but have regrettably not found new unemployment. My Minnesota Unemployment Insurance ran out last week and I applied for Federal Emergency Unemployment Compensation just this past week. I understand it's going to expire at the end of the month.

She wrote to me in December.

I ask you to please ask yourself what you would do to provide for your family. I have a 9 year old daughter . . . and a three year old son. I am the sole provider for my family. I volunteer extensively at the school and elsewhere in my community. . . .

She is a volunteer. She does that, but she also volunteers looking for a job. She is networking in her volunteer work. She is volunteering for her kids' school, for her 9-year-old's school.

She told me the 3-year-old went to preschool 5 days a week, then 4 days, then 3 days, then 2 days, and now 1 day a week—and how hard is it to look for a job with a 3-year-old.

She continues: ''I am not looking for a handout, nor do I believe that staying on unemployment insurance is in my best interest.''

But she says it ''will at least allow me to make my mortgage payment.''

Doug, from Bloomington, wrote that he and his family will lose their home if we allow benefits to expire.

He says:

I unfortunately lost my job due to the economy last March . . . each position that I apply for has at least 500 candidates applying for the same position. If the Federal unemployment extension is not approved, my family and I will be homeless within a month! I have even tried to apply for ''temporary positions,'' however, they always reply that I am overly qualified!

We talked about this in the roundtable. We also had professionals there who are professional workforce people and are counselors. These people are working it. There was a woman in her fifties who said: They will not take me at McDonald's because they figure if I get some other job I will leave and it costs to train them.

It truly troubles me that those who have worked and contributed to our society the longest, I am saying 20, 30, 40 years, have been particularly hit hard by long-term unemployment; in other words, older workers who lose their jobs have experienced longer periods of unemployment than younger workers. Part of that is age discrimination. That age discrimination has made it more difficult for older workers to bounce back when they lose their jobs. According to AARP, 34 percent of older workers seeking work reported they had experienced, or know someone who has experienced, age discrimination in the past 4 years. This was the experience of all three of the women I talked to.

Extending unemployment insurance isn't just the right thing to do to help our fellow Americans who are out of work and searching for a job, it is also the smart thing to do for our economy. As I said, in 2011, the Congressional Budget Office said that aid to the unemployed is among the policies with ''the largest effects on output and employment per dollar of budgetary cost.'' CBO estimates that extending benefits through 2014 will help expand the economy and contribute to the creation of an additional 200,000 jobs. The Council of Economic Advisers estimates without a full-year extension, the economy will generate 240,000 fewer jobs by the end of 2014.

We know unemployment benefits work. The Census Bureau estimates that unemployment benefits kept 2.5 million people who are trying to stay in the workforce out of poverty in 2012 alone and have kept over 11 million unemployed workers out of poverty since 2008. Countless local businesses feel the positive effects when the unemployed are able to keep buying their basic necessities—food, utilities, gas, so they can drive to look for a job.

Unemployment insurance isn't the only thing we should be doing to help the unemployed either. There are lots of things we can and should be doing. There are more than 3 million jobs in this country that could be filled today if there were workers who had the right skills. With too many Americans unemployed, we have to find a way to fill those jobs, to train those workers. We should be helping workers get the training they need to fill the high-tech jobs that are growing in Minnesota and across the country—in Maine, in Alabama, in the State of every Senator I talk to in this Chamber when I talk about the skills gap and manufacturing returning to this country—but we don't have the skilled workers, and this at a time of such high long-term unemployment. We need to be training a workforce for the 21st century.

Sometimes these jobs are in advanced manufacturing. Sometimes this training takes 2 years, but we need to do it. We should be helping connect these people to educational programs that link them with employers, and that is why I have introduced the Community College to Career Fund Act. Under this program, businesses and community colleges would apply for grants based on how many jobs that partnership would create, the value of the jobs to those hired and to the community, and how much skin the businesses have in the game.

There is a lot we should be doing to create jobs. We should be addressing our infrastructure deficit. You know, when you don't repair our infrastructure, when you don't create new infrastructure, that is a deficit too, and we need to get people into work that we need to be doing. But failing to extend emergency unemployment doesn't make sense. We shouldn't be punishing people such as John and Debbie and Ann and Doug who are looking for work and can't find jobs. We shouldn't be pulling the rug out from under them and millions of others who support the small businesses and local retailers in our cities and our towns. Extending these benefits is something we should do now to jump-start and to continue this recovery.

But we shouldn't stop there. I will continue to press this Congress to work to create jobs through investments in infrastructure, in innovation and education so that the unemployed can get back to work at good jobs that sustain long-term economic growth.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KING). The Senator from Alabama.

Mr. SESSIONS. Mr. President, this Nation is facing a debt crisis. That is fully understood by the American people and experts all over. Our total debt is now in excess of $17 trillion.

The Budget Control Act of 2011 was an important step in reining in some of our spending. It reduced the growth of spending from 2012 to 2022 by $2.1 trillion. That was the agreement. We raised the debt ceiling by $2.1 trillion, but we promised the American people we would restrain spending over the next decade by that amount.

The spending baseline for America, as calculated at that time by the Congressional Budget Office was expected to see spending increase by $10 trillion over the next 10 years over current levels. The Budget Control Act, which included the sequester, was to limit that growth to $8 trillion instead $10 trillion.

I wanted to reduce the growth of spending more than that, but the BCA levels did provide a cap on spending that was approved by President Obama, passed by both Houses of Congress, and signed into law by President Obama.

This year, fiscal year 2014, was the toughest year in terms of being able to meet the goals of the 10 years under the BCA and, therefore, we blinked, I would say, and there arose the Murray-Ryan bipartisan legislation, written not with our Budget Committee members but by these two leaders. They agreed we would spend $64 billion more than the BCA allowed.

This was a bitter pill for me, I have to say. I warned this was the first real violation of the Budget Control Act spending limits, and when I sought some other alternatives, that didn't happen. The legislation passed and it spent and agreed to spend more money. But it had a good point. It reaffirmed this was all that would be spent above the BCA level. It said: We have a tight time now. If you will just increase spending for the next 2 years, we will stay fundamentally with the BCA levels.

That was another promise, wasn't it? We promised in 2011 to limit our spending, and we come back in December 2013 and we say we can't live with our promises any longer. Now we are making these alterations, but we are going to stick with this. We are going to stay with this promise. If you will just give us this $64 billion extra to spend, we will not spend any more than that over the next several years.

It also left the BCA caps in place for the next 7 years. Unemployment compensation is a mandatory entitlement spending program that is before us now that Congress would like to spend more on than current law allows.

Of course, it appears that promises made in Washington are made to be broken. I sometimes think our colleagues on the Democratic side of the aisle see agreements such as Ryan-Murray as steps to advance their agenda—just to further the revolution—and not something that should be honored. Less than 6 months after this act passed, President Obama proposed a budget that would spend $1 trillion more than was agreed to in the BCA—a breathtaking violation of the plain law he had signed 6 months earlier. His plan, fortunately, was rejected, but he filed the same new budget in fiscal year 2013 with $1 trillion more in spending. All our Senate Democratic colleagues voted for the budget Senator MURRAY moved out of committee, and it would spend $1 trillion more than the BCA limits.

OK. So they said we couldn't live with that. We needed to spend more. That is how the Ryan-Murray agreement came about. OK, we will spend some more, and we will use this to pay for it, and we will do all this, and most of it—too much of it, frankly,—is gimmickry, and it passed—to spend more. It was to fix the financial pressure we were under. It was to fix the tight year or two we have here—the toughest year or two in the budget.

But now, just 4 weeks after that passed, in December—tough negotiations and secret talks concluded between MURRAY and RYAN and with the first bill on the floor in this Congress, we have an unemployment insurance extension that totally busts those levels. So now we are told we don't have to abide by those legal caps, just spend more money now, with no corresponding cuts or reductions anywhere to pay for it, as required. Former House Speaker NANCY PELOSI famously said once: ''There is no place left to cut.'' Well, there are places left to cut.

We know we have a lot of people hurting and unemployed today, and some sort of compensation is legitimate. But this idea we can waltz in here because there is a need in the country that we believe should be fulfilled and we can borrow the money and spend for it is not good. It is why this Nation is $17 trillion in debt.

People are angry with Washington. I would say to my colleagues: Why shouldn't they be angry? Didn't we promise to stay with the BCA limits? Didn't we promise after the Ryan-Murray agreement to spend more but we would stay there? Didn't we agree with that? And here we are, the first bill of this session, just a few weeks after that passed—Ryan-Murray, the ink hardly dry—and we are demanding now a huge new deficit spending program.

Make no mistake, my colleagues, we are in deficit. Any new spending over the Budget Control Act entails more borrowing. That is the way it works. Section 111 of H.J. Res. 59, the Ryan-Murray spending agreement, says this:

> Section 111(a)—Fiscal Year 2014. For the purpose of enforcing the Congressional Budget Act of 1974 for fiscal year 2014, and for enforcing, in the Senate, budgetary points of order . . . the allocations, aggregates, and levels provided for in subsection (b) shall apply.

What are those levels, you might ask? This is what it says:

> Section 111(b)(2).—. . . committee allocations for—(A) fiscal year 2014; (B) fiscal years 2014 through 2018 . . .; and (C) fiscal years 2014 through 2023; consistent with the May 2013 baseline of the Congressional Budget Office . . .

The CBO baseline assumes extended unemployment benefits—that we have been extending beyond any historical pattern—will expire, as the law requires, because that is what Congress wrote into law. The ink is barely dry on the December agreement and we are already being pushed to violate it. Therefore, if we extend unemployment insurance benefits, it will cost us, will it not? Ryan-Murray would assume choices would be made between competing expenditure values and that the net spending would not increase above the baseline; that out of $3.7 trillion we spend a year, we can find the $26 billion necessary for Senator REED's proposal or other proposals which might be less to fund unemployment insurance, and we would find that somewhere or we wouldn't do it.

The Reed amendment before us includes a provision that would extend the Budget Control Act sequester for 1 year, to 2024. So he proposes that: Well, let's assume it continues, and then we can save money 11 years or 12 years from now, and then we can pay for that spending program today. Isn't that nice?

I am ashamed to see the Senate's favorite budget gimmick, ''spend now and pay later,'' devolved into something almost financially sinister: ''Spend now and pay way, way, way later.''

Ten years? We are not honoring the spending limits we agreed to in December, and now we are promising: If we are just allowed to spend this money, we will cut spending 11 years from now. There will be 5 different House elections, 5 different Senate elections, 10 different budgets written, 10 different appropriations bills written between now and then.

The American people know better. We are not adhering to the agreements we made while the ink is still wet. We are going to promise to save money out there? It is outrageous.

This is a legitimate offset. Why don't we do it for 1 year? We can extend the budget sequester 2 years—2024, 2025—and save enough money so we could give every Federal employee a raise and it wouldn't cost a dime. It would all be paid for. Wouldn't it?

Or how about we extend it 3 years, to 2027, and then we can double the highway bill? We would like to spend more money on highways. I would. I would like to increase that. We could pretend that we are going to extend these limits 13 years, 14 years from now, and that will pay for it.

This kind of gimmickry is how our Nation has gone broke. This is what we have been doing year after year—violating even our own generous spending limits and pretending we are cutting spending when we are just reducing the growth from $10 trillion to $8 trillion. And we think the country is going to sink into the ocean if we reduce the growth of spending from $10 trillion to $8 trillion.

One of the most successful parts of the 1996 welfare reform law was the work requirements for healthy working-age adults without children. The work requirements encouraged millions of Americans to improve their lives by working, going to school, or engaging in job training programs. However, this administration has granted States the ability to suspend the food stamp work requirements since 2012 as part of the extension of the emergency unemployment compensation program.

If the emergency unemployment program is extended again even for 1 week, the administration will have the authority to waive the work requirement for about 40 States for 2015. In other words, the food stamp work requirement will be suspended. He is going to do that. If this bill passes, it will give him the power to do that. That is going to cost hundreds of millions of dollars, too. It is an unexpected, unappreciated thing in the bill.

After analyzing the Reed amendment and the underlying bill before us, we have consulted with Senator MURRAY's staff—the Democratic chair of the Budget Committee and a very honorable person—and proposed that this proposal violates the Ryan-Murray law, and that several points of order apply against the Reed amendment:

It violates the Senate pay-as-you-go requirement. It increases the deficit by more than $10 billion inside the 10-year budget window without offsets to pay for the entire cost. It spends way more above what the Senate Finance Committee has allowed under the spending deal we enforced. And it violates the Budget Committee's own jurisdiction.

Finally, the amendment isn't paid for inside the budget window as the Budget Act requires. Instead, it tries to count savings 11 years out. That is not allowed under the Budget Act.

When I raise these points of order, I would expect that sooner or later the majority will move to waive all budget points of order against the amendment, and, perhaps, all budget points of order against the bill itself. If Senator Leader REID moves to waive, ignore, spend above the budget limits, it requires 60 votes.

Let me be clear: Senator MURRAY and her staff have acknowledged this does violate the Budget Act, and that a budget point of order—if I or others raise it—would be well taken, and it would take 60 votes to break it.

So the question will soon be on us: In the face of a pressing need we all believe should be addressed, will 60 of us agree that the best way forward is to turn our backs on the Murray-Ryan spending deal that Congress passed just 4 weeks ago and President Obama signed just 2 weeks ago?

Or will enough of us agree that the best way forward to help the unemployed and pay for that assistance is with other savings in the Federal budget, so we don't have to blow a hole in our budget agreement and our children and grandchildren will be stuck with paying the price?

Another point: By upholding the new spending arrangement the government just entered into, by defending it against even more spending, we can also accomplish one other thing—put aside the gag rule on amendments enforced by the majority leader.

We have talked a lot about this: We need to be able to offer amendments and have debate on how to make this bill better. If the majority makes a successful motion to waive the Budget Act points of order, it protects the gag rule, the blocking of amendments, the filling of the tree. Members need to have a chance to offer amendments to this legislation so improvements can be made, so we can pay for what is needed to be spent, and an actual bipartisan bill can emerge from the Senate.

So this is the question before us now: Do we adhere to the spending limits Congress passed and promised less than 1 month ago? Or do we break the Ryan-Murray limits like we broke the Budget Control Act limits? Will we do so in the first bill that comes before Congress this year?

This is not a vote on unemployment benefits when I am able to make the budget point of order. And I plan to do so. It is not about unemployment benefits when we vote on the budget point of order. It is a vote on whether we uphold the spending limits we agreed to, or whether we violate those limits in the first spending bill since this Congress took session this year. This is about the integrity of this institution.

In 2011, we passed a Budget Control Act and promised to spend a certain amount of money, and that amount only. But when the spending discipline proved too tough, Congress backed down and agreed to a new, looser spending limit under Ryan-Murray. That was a few weeks ago, just before Christmas.

Now here we are, on the first spending bill of the year, and our Democratic majority is proposing to bust the Ryan-Murray spending limits right out of the chute. How could any voter trust the Senate if this body votes today to break these new limits less than 1 month old?

A vote to uphold budget rules today is simply a vote to say that the bill should be paid for. Whatever we decide to do, pay for it. There are many ideas for doing so. Congress could easily offset these funds if the majority leader here in the Senate would allow us to propose amendments—which he hasn't done.

So let's uphold the rules of our institution, enforce our budget rules, and find a way to pay for this legislation—pay for what we intend to spend above the limit. Let's keep our promises to the American people.

I hope my colleagues who voted for the Ryan-Murray bill will not renege now. If they break this agreement today, why should any taxpayer trust our colleagues' promises in the future?

I hope all of us, no matter our policy disagreements, can agree to uphold Senate rules. I hope we can abide by the promises we made to the American people. And I hope we can agree that financial integrity is more important than partisan interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, while my colleague from Alabama is still here, I want to talk about a certain national championship game which just occurred.

Before I do, I want to say that a lot of the frustration my colleague has expressed is frustration which is shared by this Senator—not the specifics, but the fact that the Senate is not working as it should. Indeed, the Congress is not working as it should.

But I would remind anyone who is listening to these words the old adage: It takes two to tango. And if anything is going to get done, there is going to have to be a meeting of the minds between the parties, recognizing that you can't have it all one way—your way.

There are legitimate grievances in what has led to the dysfunction of the U.S. Congress, and we can speak here today with regard to the Senate.

Authorization committees, which have been so important in the history of this country and the functioning of the Congress, at times are irrelevant in that they have not only been overtaken but the appropriations process has been overtaken as well.

When we cobble together these huge appropriations bills that are nothing but a continuation of the previous year's appropriations with some tweaks, where is the input of Members? In the past, it has been Mount Olympus which has come together at the last minute in an emergency situation to cobble together something to keep the government functioning.

That is not rational decisionmaking. It is not what we call around here regular order. It certainly isn't the authorization of bills. And it certainly isn't appropriations of the government, according to that authorization for appropriations.

As we get on down the line, I want to continue to work with my colleague, whom I have had the pleasure and privilege of working with, as we have worked on very thorny issues in the past on the Strategic Forces Subcommittee of Armed Services on national missile defense. The Senator from Alabama and this Senator have been able to come together in agreement on those thorny issues years ago.

But times have changed, and this place is not functioning. It is going to take an extra special effort on both sides of that aisle which has become too big of a dividing line in our ability to get work done.

I empathize with the Senator's frustration and let him know there is frustration on this Senator's part as well.

(The further remarks of Mr. NELSON and Mr. SESSIONS are printed in today's RECORD under ''Morning Business.'')

HAITI EARTHQUAKE

Mr. NELSON. Mr. President, yesterday marks the fourth anniversary of the devastating earthquake that hit Haiti on January 12, 2010. The U.S. Geological Survey said that precisely at 4:53 p.m. local time, the Caribbean and North American plates moved, resulting in a major earthquake of a 7.0 magnitude, with aftershocks greater than 5.0 that continued for months afterward. It has been described as the largest urban disaster in modern history because in just 30 seconds more than 10 million cubic meters of rubble were created, enough to fill dump trucks parked bumper to bumper, all the way from Key West, FL, to the northern tip of the State of the Presiding Officer, Maine, and then back again. That is how much rubble was created.

We remember today 230,000 victims of the earthquake, one of the deadliest in history. The earthquake also resulted in over 300,000 injuries and left 1½ million people homeless.

I went to Haiti immediately after the earthquake. It was a horrifying aftermath. During the last 4 years the path to recovery for Haiti has been very slow and arduous, particularly because that poor country has also faced so many other plagues: Rainstorms, the edges of hurricanes, a vicious outbreak of cholera, and many other tropical storms. Long-term reconstruction and rehabilitation is going to take years, but the Haitian government, with the support of the United States and the international community, hopefully, is going to keep the country moving forward.

This past year I visited with President Martelly and his officials. They are making progress. The international community has stepped up. But nobody has stepped up like the United States. We have led an unprecedented recovery effort, $3.5 billion for initial humanitarian needs and long-term assistance in health, infrastructure, rule of law, food, and economic security.

In this last visit this past August, I saw many of those reconstruction efforts already completed and others that are well underway, and others that are showing notable progress. But there is so much to be done.

The Haitian people are incredible; they are resilient; they are resourceful; they are a proud people; and they have utilized the support they have received from around the world, including the Haitian Diaspora. A lot of that Diaspora community is in Florida, and they have utilized that.

We all want Haiti to succeed and to continue to rebuild. So 4 years after such unbelievable devastation, let's pause to think about Haiti and reaffirm our commitment to her. We also congratulate the Haitian people as they celebrate their country's 210th anniversary of independence that is this year. It is a tough subject. Haiti is the poorest country in the entire Western Hemisphere. There is a certain special responsibility that those countries, particularly in the Western Hemisphere, that are more fortunate—a certain responsibility that we have to help that little country rebuild.

I yield the floor

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask, since I just arrived on the Senate floor, is it appropriate for me to speak on the judicial nominee we will be voting on.

The PRESIDING OFFICER. The Senator may proceed.

WILKINS NOMINATION

Mr. GRASSLEY. Mr. President, we are going to vote on the third of three nominees to the DC Circuit. Today it will be Judge Robert Wilkins. I will oppose the judge's nomination, just as I did when the Senate rejected the same nomination in November of last year.

This circuit, of course, is far and away the least busy in the country. This is one of the reasons why the Democrats blocked nominees to this very same circuit, based on the very same arguments regarding caseload, during the Bush administration. There were only two differences between then and now. Back then the caseload was even higher, and back then there was a Republican in the White House. Today, of course, there is a Democrat in the White House, and also a Democratic majority here in the Senate.

Today, by pushing this nomination for a circuit where there are not more judges needed based on caseload, I say that the Senate majority—meaning the Senate Democrats—do not want to play by the same rules they pioneered or by the same standards they established during the Bush administration.

Even though the Senate considered and rejected this nomination just a couple of months ago, today once again we will be voting on Judge Wilkins' confirmation. We will vote on the judge's nomination today because, on November 21, last year, the majority leader and the Senate majority invoked the so-called nuclear option. In one fell swoop, the majority leader did more damage to the institution than I have witnessed in more than 3 decades of service here in the Senate. In fact, when the majority leader broke the rules to change the rules last November and tossed aside two centuries of Senate history and precedent, he likely did more damage to this institution than any leader who preceded him.

It was a power grab. Of course it was a power grab. But it was more than that. It fundamentally has altered the way the Senate operates. It stripped the minority of its rights—under the rules, of course—but it was more than that as well. It cheapens the world's greatest deliberative body.

About 2 hours ago I spoke on this subject to the Senate based upon what James Madison said was the function of the Senate—to be a deliberative body, to bring stability to our political system, not to do things the same way the House of Representatives does.

As a result of the nuclear option, the Senate design has been forever altered, and it was done via brute force with zero buy-in from the minority. The result, as we have seen over the last 2 months, is less cooperation and more partisanship, something the people of this country abhor.

That is before you consider the current state of affairs regarding amendments here on the Senate floor. The majority leader routinely blocks all Senators from offering amendments by doing what we call ''filling the tree'' with amendments, and then sets aside his ''blocker amendments'' for only those amendments that the leader considers appropriate for us to discuss.

When you take into consideration the inability of Senators to offer amendments of their choosing and combine it with the leader's decision to strip the minority of their right to extend a debate on nominations, it becomes clear why today's Senate operates the way it does. There are two great rights Senators have: the right to debate and the right to amend. That is what makes us a deliberative body. That is what makes us so much different from the House of Representatives. By stripping away, on one hand, the right to extend the debate on nominations, and denying Senators, on the other hand, the right to offer amendments, the leader has taken those two rights and shredded them. It is to a point where some Members of this body don't even have a full appreciation for the way the institution used to operate.

Is it any wonder that it is difficult to get things done in today's Senate? Is it any wonder Senators don't feel compelled to work and consult together?

Today we will vote on a nomination the Senate rejected a couple of months ago. Now—perhaps because the other side is having a bit of buyer's remorse—some of my colleagues have been doing their best to rewrite history.

Senate Democrats claim that Republican opposition to the DC Circuit nominees was, in their words, unprecedented, but conveniently failed to mention that Senate Democrats set the standard during the Bush administration when they blocked qualified nominees to the DC Circuit based on caseload, which is the same argument I used, but in those days the caseload was even heavier than it is today.

As I have said, back then the caseload was higher. You can't say that too often. The fact is that DC is the most underworked circuit in the Nation.

I have given previous speeches on this subject, and I have given a lot of statistics, so I won't go through all those statistics again today, but with the most recent data released by the nonpartisan Administrative Office of the U.S. Courts, the numbers still show the DC Circuit has the fewest number of appeals filed and appeals terminated among all of the Federal circuit courts.

On a per-active-judge basis, the DC Circuit now has 111 total appeals filed per active judge. The national average is over three times higher, at 377. The busiest court, the Eleventh Circuit, comes in at over seven times higher than the DC Circuit, at 796. In other words, a Federal appellate judge sitting in Florida has a workload seven times heavier than the circuit judge sitting here in DC.

I hope people don't fall for the phony argument that cases in the DC Circuit are more complicated. There are other circuits that handle more of these so-called complex cases than even DC. The bottom line is the empirical data has shown, and continues to show, that these judges could have been better used in other circuits. I have a piece of legislation that would move these three judges from the DC Circuit to other circuits where the caseload is greater.

To confirm what the statistics show, early last year I decided to go straight to the source, the judges who serve in DC on this circuit. Before these nominations to the DC Circuit were even made, I submitted a questionnaire to each DC Circuit judge asking them about their workload. Their responses independently confirmed that the data showed that the court is severely underworked.

One judge responded: ''If any more judges were added now, there wouldn't be enough work to go around.'' I hope you understand that the vacancies that are being filled are going to cost the taxpayers $1 million-plus a year forever as long as these seats are filled.

After looking carefully at the data, and, of course, confirming my understanding with the judges themselves, I opposed these nominations based, in part, on the same standards established by the Democrats during the Bush administration when they blocked nominees to the DC Circuit. Then, of course, there was a Republican President, and now we have a Democratic President.

Of course, that wasn't the only reason for opposition to these nominees. For instance, gun rights supporters are opposed to Judge Wilkins, not based on caseload but because of the Dearth v. Holder case where Judge Wilkins held that nonresident U.S. citizens don't have the Second Amendment right to purchase a firearm.

The last nominee we confirmed to the DC Circuit was about the farthest thing from a mainstream nominee as you can get. I won't repeat everything I said about that nominee in previous speeches or what that nominee has said or written, but I will give one example. Consider former Professor Pillard's view on religious freedom. She argued that the Supreme Court case of Hosanna-Tabor Evangelical Lutheran Church, which challenged the so-called ''ministerial exception'' to employment discrimination represented—in her words—a ''substantial threat to the American rule of law.''

The Supreme Court, on appeal, rejected her view 9–0, and the Court held that ''it is impermissible for the government to contradict a church's determination of who can act as its ministers.''

Think about that. Former Professor Pillard argued the challenge to the ministerial exception to employment law represented a ''substantial threat to the American rule of law.'' Yet the Court rejected the view 9–0, and held ''it is impermissible for the government to contradict a church's determination of who can act as its ministers.''

Do my colleagues honestly believe it is within the mainstream to argue churches shouldn't be allowed to choose their own ministers? I don't believe it is in the mainstream.

We know these judges aren't needed. Far from it. We know these nominations aren't mainstream. Far from it. Then why did our Senate Democrats go to such lengths to stack this court? Why go so far as to change the Senate rules in order to fill these vacancies? Why go so far as to abuse and violate the Senate rules to change the rules? Well, because the President and his allies will do whatever it takes to get their way even if it means breaking Senate rules, silencing debate, circumventing Congress, or stacking the judicial deck in their favor to ensure that their executive actions are rubberstamped by the courts.

It is no secret the President has decided to circumvent Congress by relying heavily on Executive orders and regulatory action to carry out an unpopular agenda. We all heard the President pledge repeatedly, ''If Congress won't act, I will.'' What he means, of course, is that he is going to do it all by executive action. He won't go to Congress. He won't negotiate. In fact, he will go around Congress. He decided he doesn't need legislators to make these changes. He will just issue an Executive order or issue new agency rules.

As I have explained before, in effect, the President is saying: If the Senate won't confirm who I want, when I want them, then I will recess-appoint them when the Senate isn't even in session, or at another time, the President would say: If Congress won't pass cap-and-trade fee increases, then I will go around the Congress and do the same thing through administrative action at the Environmental Protection Agency or, again, if Congress won't pass gun control legislation, then I will issue a series of Executive orders. Quite simply, that is what the President means when he says: If Congress won't act, I will.

But remember. Under our system, it is the courts that provide a check on the President's powers. It is the courts that decide whether the President is acting unconstitutionally. So the only way the President's plan works is if he stacks the deck in his favor. The only way the President can successfully bypass Congress is if he stacks the courts with ideological allies who will rubberstamp these Executive orders. That is why it is so important for the President that he and his Senate allies stack the DC Circuit even though the DC Circuit doesn't have enough work, and it will be an additional $1 million for each of the three judges who are now being stacked into this court.

As I have said, in the last few weeks the other side has attempted to rewrite history in an effort to justify the actions they have taken, but the other side's effort to rewrite history isn't limited to the history of the DC Circuit in particular. It extends to the number of so-called filibusters during the past few years.

Several times last week the Senate majority claimed that the Republicans filibustered 20 of Obama's district court nominees. According to their narrative, only 23 nominees have been filibustered in the history of the Senate, and 20 occurred in the past 5 years. That is not remotely true, and the majority knows that. As near as I can tell, this claim is based on the number of times a cloture motion has been filed on district court nominees. Of course, everyone knows a cloture motion isn't a filibuster. A filibuster is a failure to end debate.

Nonetheless, let's look at those 20 nominees. Seventeen nominees were filed at one time back in March of 2012. That maneuver, of course, was a transparent effort to manufacture a crisis where no crisis existed. Every single one of these cloture motions was later withdrawn. As a result, not 1 of those 17 nominees even had a cloture vote, let alone a failed cloture vote.

In fact, of these 20 so-called filibusters of district court judges, the Senate held only 1 cloture vote on a district court judge, and that cloture vote passed the Senate. Yet the Senate majority still claims we filibustered 20 district court nominees. That is revisionist history if I have ever seen it.

Let's review the alleged Republican obstruction of the President's nominees. Since President Obama took office, the Senate has approved 218 of the President's lower court judicial nominees. That is 99 percent. So we have rejected only two. If the majority leader hadn't invoked the nuclear option, the number would have, in fact, been 5 instead of 2, but not 20, and not 34, as I have heard some claim. It would not have even been 10, which was the number the Senate majority blocked by the fifth year of President Bush's administration. Five nominees.

At the end of the day, the majority was willing to toss aside two centuries of Senate practice and tradition over just five judicial nominees. So I continue to oppose this nominee, just as I did when the Senate rejected the nomination before the Senate Democrats broke the rules to change the rules.

This judgeship wasn't warranted before the majority leader and the Democrats invoked the misguided nuclear option, and it certainly hasn't suddenly become warranted in the weeks since that time.

I yield the floor.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have a vote scheduled for 5:30; is that right?

The PRESIDING OFFICER. That is correct.

EXECUTIVE SESSION

NOMINATION OF ROBERT LEON WILKINS TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The majority leader.

UNEMPLOYMENT INSURANCE

Mr. REID. The Republican leader and I have had a number of conversations today about how we should proceed on unemployment insurance. I have had conversations and he has had conversations with a number of our Members, both Democrats and Republicans. Right now, because the vote is not scheduled until 5:30, it has been difficult for me, and I am quite certain for the Republican leader, to talk to all of the necessary people involved in trying to come to some conclusion as to how we should proceed on this legislation. Two of the people I met with today, everyone knows, are people who are trying to work something out, including Senator COLLINS and Senator HELLER. Senator HELLER is a cosponsor of the underlying bill and Senator COLLINS is always trying to make peace with everybody. They have made a proposal. I have an outline of their proposal and I appreciate their good work.

However, I can't automatically agree to it because it calls for 3 months rather than the 11 months or so we had in the underlying proposal that is before the Senate. As everyone knows, the President is not in favor of a 3-month proposal and I am not either, but that doesn't mean we can't work something out. I have made statements indicating I prefer a longer period in the proposal and so has the President.

However, my main point in saying a few words this afternoon is that we need to be able to meet with Senators—I need to meet with my caucus tomorrow before I can determine how I would suggest—along with the two Republican Senators I met with—how we will proceed on this matter.

Mr. McCONNELL. Will the majority leader yield?

Mr. REID. Of course; I am happy to.

Mr. McCONNELL. I would observe that what I am hoping for is an open amendment process. We have the amendment tree filled and it remains my hope that we will be able to, through these discussions we have had, get to something closer to what we have been accustomed to in the past with a relatively open amendment process. So under those circumstances, and in the hope that by tomorrow we end up with a more fair process, I am happy to go along with what the majority leader has suggested.

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that we now proceed to legislative session, out of executive session. When I finish my remarks and the Republican leader finishes his remarks, I ask that we go back into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1845

Mr. REID. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on amendment No. 2631 occur at 2:30 p.m. tomorrow; further, that the vote on the motion to invoke cloture on S. 1845 occur following the disposition of amendment No. 2631 or, if cloture is not invoked on amendment No. 2631, the Senate proceed immediately to the vote on the motion to invoke cloture on S. 1845.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I hope this will allow us a way to move forward. We will do our best to move forward. I am trying the best I can to come up with an arrangement to move forward.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Senator from Maryland.

Mr. CARDIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session.

The Senator from Maryland.

Mr. CARDIN. If I understand correctly, we are on the nomination of judge Robert Wilkins?

The PRESIDING OFFICER. The Senator is correct.

Mr. CARDIN. Mr. President, I rise in strong support of the nomination of Judge Robert L. Wilkins to be a circuit judge for the U.S. Court of Appeals for the District of Columbia Circuit. I was pleased to introduce Judge Wilkins to the Judiciary Committee in September and the committee favorably reported his nomination in October. He was filibustered in November, and I am pleased we are reconsidering his nomination today.

Judge Wilkins currently serves as a Federal District Judge in the U.S. District Court for the District of Columbia. So he is a district court judge today, confirmed by the Senate for a lifetime appointment, and now has been nominated by President Obama to fill the circuit court, which is the court above the judicial court for the District of Columbia.

I am happy we are going to get a chance to vote on the merits of this nominee.

Judge Wilkins is a native of Muncie, IN. He obtained his B.S. cum laude in chemical engineering from Rose-Hulman Institute of Technology and his J.D. from Harvard Law School.

Following graduation, Judge Wilkins clerked for The Honorable Earl B. Gilliam of the U.S. District Court for the Southern District of California. He later served as a staff attorney and as head of special litigation for the Public Defender Service for the District of Columbia. He then practiced as a partner with Venable, specializing in white-collar defense, intellectual property, and complex civil litigation before taking the bench as a district court judge.

Besides Judge Wilkins' professional accomplishments as an attorney, he has also played a leading role as a plaintiff in a landmark civil rights case in Maryland involving racial profiling. During his tenure with the Public Defender Service and in private practice, Judge Wilkins served as the lead plaintiff in Wilkins, et al. v. State of Maryland, a civil rights lawsuit against the Maryland State Police for a traffic stop they conducted on Judge Wilkins and his family. Let me give some of the circumstances of what Judge Wilkins went through.

In 1992 Judge Wilkins attended his grandfather's funeral in Chicago and then began an all-night trip home with three of his family members. He was due back in Washington, DC, that coming morning for a court appearance as a public defender. A Maryland State Police trooper pulled over their car. The police detained the family and deployed a drug-sniffing dog to check the car, after Judge Wilkins declined to consent to a search of the car, stating there was no reasonable suspicion. The family stood in the rain during the search, which did not uncover any contraband.

Judge Wilkins later wrote:

> It is hard to describe the frustration and pain you feel when people pressure you to be guilty for no good reason, and you know that you are innocent. . . . [W]e fit the profile to a tee. We were traveling on I–68, early in the morning, in a Virginia rental car. And, my cousin and I, the front seat passengers, were young black males. The only problem was that we were not dangerous, armed drug traffickers. It should not be suspicious to travel on the highway early in the morning in a Virginia rental car. And it should not be suspicious to be black.

After the traffic stop, Judge Wilkins began reviewing Maryland State Police data and noticed that while a majority of those searched on I–95 were Black, Blacks made up only a minority of the drivers traveling on the highway.

Judge Wilkins filed a civil rights lawsuit which resulted in two landmark settlements that were the first to require systematic compilation and publication by a police agency of data for all highway drug and weapons searches, including data recording the race of the motorist involved, the justification of the search and the outcome of the search. The settlements also required the State Police to hire an independent consultant, install video cameras in their vehicles, conduct internal investigations of all citizen complaints of racial profiling, and provide the Maryland NAACP with quarterly reports containing detailed information on the number, nature, location, and disposition of racial profiling complaints.

These settlements inspired a June 1999 Executive order by President Clinton, congressional hearings, and legislation that has been enacted in over half of the 50 States.

This was a landmark case, and the settlement provided the wherewithal for many States to change their practices on traffic stops and how traffic stops would be conducted. It was an important action Judge Wilkins took as a private citizen in order to advance the rights of all people. I applaud him for that courage, not only to stand for what was right for him but also to be active in changing those practices around the country.

As my colleagues know, I have introduced S. 1038, the End Racial Profiling Act—ERPA—which would codify many of the practices now used by the Maryland State Police to root out the use of racial profiling by law enforcement. The Judiciary Committee held a hearing on ending the use of racial profiling last year, and I am hopeful that with the broader discussion on racial profiling generated by the tragic death of Trayvon Martin, we can come together and move forward on this legislation.

Judge Wilkins played a key role in the passage of the Federal statute establishing the National Museum of African American History and Culture Plan for Action Presidential Commission, and he served as the chairman of the Site and Building Committee of that Presidential Commission. The work of the Presidential Commission led to the passage of Public Law 108–184, which authorized the creation of the National Museum of African American History and Culture. This museum will be the newest addition to the Smithsonian and is scheduled to open in 2015 between the National Museum of American History and the Washington Monument on the National Mall.

I mention that because Judge Wilkins has been involved in our community. He is not only an outstanding jurist, he is a person who has stood for basic rights. He has taken action where things were wronged against him, and he has been very active in our community.

He also continues his pro bono work to this day. He currently serves as the court liaison to the Standing Committee on Pro Bono Legal Services of the Judicial Conference of the DC Circuit. He is committed to public service and equal justice.

As a U.S. district judge for the District of Columbia since 2011, Judge Wilkins has presided over hundreds of civil and criminal cases, including both jury and bench trials. Judge Wilkins already sits on a Federal bench which hears an unusual number of cases of national importance to the Federal Government, including complex election law, voting rights, environmental, securities, and administrative law cases.

Indeed, Judge Wilkins has been nominated for the appellate court that would directly hear appeals from the court on which he currently sits. He understands the responsibilities of the court that he has been nominated to by President Obama.

The American Bar Association gave Judge Wilkins a rating of unanimously ''well qualified'' to serve as a Federal appellate judge, which is the highest possible rating from the nonpartisan peer review.

The U.S. Court of Appeals for the District of Columbia Circuit is also referred to as the Nation's second highest court. The Supreme Court only accepts a handful of cases each year, so the DC Circuit often has the last word and proclaims the final law of the land in a range of critical areas of the law because many of these cases are brought to the DC Circuit.

This court handles unusually complex cases in the area of administrative law, including revealing decisions and rulemaking of many Federal agencies in policy areas, such as environment, labor, and financial regulations.

Nationally, only about 15 percent of the appeals are administrative in nature—15 percent. That is the national number. In the DC Circuit, that figure is 43 percent. They have a much larger caseload of complex cases. The court also hears a variety of sensitive terrorism cases involving complicated issues, such as enemy combatants and detention policies.

Let me quote from former Chief Judge Henry Edwards, who said:

> [R]eview of large, multiparty, difficult administrative appeals is the staple of judicial work in the DC Circuit. This alone distinguishes the work of the DC Circuit from the work of other circuits. It also explains why it is impossible to compare the work of the DC Circuit with other circuits by simply referring to raw data on case filings.

I mention that because there have been some here who say ''the workload of the court.'' The workload of the court requires us to fill this vacancy.

Chief Justice Roberts noted that ''about two-thirds of the cases before the DC Circuit involved the Federal Government in some civil capacity, while that figure is less than twenty-five percent nationwide.'' He also described the ''D.C. Circuit's unique character, as a court with special responsibility to review legal challenges to the conduct of the national government.'' He should know. Justice Roberts came from that circuit court.

We have a person who is eminently qualified for this position, and that is Judge Wilkins. We have a need to fill this vacancy. The Senate should carry out its responsibility, and we are going to have that chance very shortly.

Let me remind my colleagues that the Senate unanimously confirmed Judge Wilkins in 2010 for his current position, and he has a distinguished lifelong record of public service. I am pleased that we have moved forward to get an up-or-down vote on this nomination. I ask the Senate and my colleagues to support confirmation of this eminently qualified judge.

Mr. LEAHY. Mr. President, tonight we will vote on the nomination of Judge Robert Wilkins to serve on the U.S. Court of Appeals for the DC Circuit. Late last week, we were finally able to invoke cloture on his nomination, after it was unjustifiably filibustered by Senate Republicans for months.

Judge Wilkins was nominated to serve on this court last June, along with two other exceptional nominees who were both confirmed late last year, Judge Patricia Millett and Judge Nina Pillard. Once Judge Wilkins is confirmed, the DC Circuit, which is often considered to be the second most important court in the Nation, will finally be operating at full strength. The American people deserve no less.

Judge Wilkins is an outstanding nominee. He was unanimously confirmed to the U.S. District Court for the District of Columbia 3 years ago. He has presided over hundreds of cases and issued significant decisions in various areas of the law, including in the fields of administrative and constitutional law. Prior to serving on the bench, he was a partner for nearly 10 years in private practice and served more than 10 years as a public defender in the District of Columbia.

During his time at the Public Defender Service, Judge Wilkins served as the lead plaintiff in a racial profiling case, which arose out of an incident in which he and three family members were stopped and detained while returning from a funeral in Chicago. This lawsuit led to landmark settlements that required systematic statewide compilation and publication of highway traffic stop-and-search data by race. These settlements inspired an Executive Order by President Clinton, legislation in the House and Senate, and legislation in at least 28 States prohibiting racial profiling or requiring data collection.

Despite the progress made in the past several decades, the struggle to diversify our Federal bench continues. When confirmed, Judge Wilkins will be only the sixth African American to have ever served on the DC Circuit.

Judge Wilkins earned the ABA's highest possible rating of unanimously ''well qualified.'' He also has the support of the National Bar Association, the Nation's largest professional association of African American lawyers and judges, as well as several other prominent legal organizations. I ask unanimous consent to have printed in the RECORD a list of letters in support of Judge Wilkins.

I hope my fellow Senators will join me today to confirm this good man to serve on this important court. Our Nation will be better off with Judge Robert Wilkins serving on the DC Circuit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS IN SUPPORT OF THE NOMINATION OF JUDGE ROBERT WILKINS

1. July 31, 2013—Diverse group of 97 organizations in support of Judge Wilkins. The organizations include National Bar Association, National Conference of Women's Bar Associations, Hispanic National Bar Association, American Association for Justice, National Association of Consumer Advocates, NAACP, and National Employment Lawyers Association.

2. August 28, 2013—Joseph C. Akers, Jr., Interim Executive Director, on behalf of National Organization of Black Law Enforcement Executives (NOBLE)

3. September 10, 2013—Benjamin F. Wilson, Managing Principal, Beveridge & Diamond, P.C. and John E. Page, SVP, Chief Legal Officer, Golden State Foods Corp. and Immediate Past President, National Bar Association on behalf of an ''ad hoc group of African American AmLaw 100 Managing Partners and Fortune 1000 General Counsel''

4. September 10, 2013—Nancy Duff Campbell and Marcia D. Greenberger, co-Presidents, on behalf of the National Women's Law Center

5. September 10, 2013—Doreen Hartwell, President, Las Vegas Chapter of the National Bar Association

6. September 18, 2013—William Martin, Washington Bar Association

7. September 27, 2013—Douglas Kendall, President, and Judith Schaeffer, Vice President, Constitutional Accountability Center

8. October 1, 2013—National Bar Association

9. October 1, 2013—Michael Madigan, Orrick, Herrington & Sutcliffe LLP

10. September 10, 2013 and October 2, 2013—Wade Henderson, President & CEO and Nancy Zirkin, Executive Vice President on behalf of The Leadership Conference on Civil and Human Rights

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Robert Leon Wilkins of the District of Columbia to be United States Circuit Judge for the District of Columbia Circuit?

Mr. JOHANNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 7 Ex.]

YEAS—55

Baldwin	Boxer	Coons
Baucus	Brown	Donnelly
Begich	Cantwell	Durbin
Bennet	Cardin	Feinstein
Blumenthal	Carper	Franken
Booker	Casey	Gillibrand
Hagan	Markey	Schatz
Harkin	McCaskill	Schumer
Heinrich	Menendez	Shaheen
Heitkamp	Merkley	Stabenow
Hirono	Mikulski	Tester
Johnson (SD)	Murphy	Udall (CO)
Kaine	Murray	Udall (NM)
King	Nelson	Warner
Klobuchar	Pryor	Warren
Landrieu	Reed	Whitehouse
Leahy	Reid	Wyden
Levin	Rockefeller	
Manchin	Sanders	

NAYS—43

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker
Cruz	McCain	
Enzi	McConnell	

NOT VOTING—2

Chambliss	Rubio

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I ask unanimous consent that the motion to reconsider be considered made and laid on the table, with no intervening action or debate, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

UNEMPLOYMENT COMPENSATION

Mr. REID. Mr. President, there is a lot of work going on around the Capitol this evening, and tomorrow morning we will see if we can figure out a way to move forward to help 1.4 million people who are unemployed to extend their unemployment benefits to them. It is something we need very much, and we will see if we can move forward.

The PRESIDING OFFICER. The Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. REED. Mr. President, I ask unanimous consent that at the conclusion of my brief remarks, Senator LEE be recognized, and then after Senator LEE that Senator HARKIN be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, as the leader indicated, we are working to develop a response to the 1.3 million Americans who on December 28 lost their unemployment extended benefits. Since that time, the number has increased. About 70,000 Americans a week are losing their unemployment insurance benefits. This number is now approaching roughly 1.5 million Americans and will approach a significantly higher number of Americans throughout the year.

This is an emergency. These people have worked. They are in a job market where typically there are more than two applicants for every job, and we are seeing a job market that is moving sometimes forward and sometimes sideways. The numbers last Friday were quite disappointing. It could have been the weather or it could be other factors, but it does underscore the need to move very aggressively to address the issue of these unemployed Americans. The average benefit is about $300 to $350 a week. The only reason they qualify for the benefit is they did work and they are still looking for work.

One of the ironies of last week's numbers is even though we had very mediocre job creation, the unemployment rate fell. Why? Because people are leaving the workforce. They are giving up. We can't let that happen. One way we keep people looking for work and we keep them able to look for work is to provide this modest benefit each week.

So we are looking very hard and we have had a great deal of collaboration and cooperation. I thank Senators HELLER, COLLINS, PORTMAN, AYOTTE, MURKOWSKI, and COATS. They voted to keep this process going forward, and I respect and thank them for that. I know, over this last weekend, particularly Senators HELLER, COLLINS, and PORTMAN have been working to try to find a way to move forward. Let me say, though, we on our side have moved very far.

Typically these benefits are not paid for. Last year's 12 month extension of unemployment insurance was unpaid for. It was an emergency. It probably created on the order of 100-plus thousand jobs, which would not have taken place without that kind of increase in demand in the economy generated by these payments to individuals looking for work.

We heard what our colleagues said, that this has to be paid for. So we went ahead and proposed a pay-for. Again, many of my colleagues in the Democratic caucus in both the House and the Senate would prefer to see these benefits as emergency unpaid for. We have repeatedly done that.

We have also changed the duration of the benefits. We eliminated some weeks in the first two tiers so we would be able to afford this benefit and still give people the opportunity to move forward.

So we have moved from what we have typically done.

Again, if we look back over the years, the exception is paying for these benefits. Many times during the Bush administration, we provided unemployment benefits unpaid for. Now some of my colleagues are asking to pay for them. We have tried to pay for them. We tried to change the duration so we could afford them but still provide help for people. We have done this because we have heard from the other side: One, they have to be paid for; but, two, we can't use revenues.

A balanced approach to any public policy solution has to at least consider revenues. But our colleagues have been staunch about saying: We will not entertain at all any revenues to offset this payment.

There is a long list of egregious tax provisions which have been highlighted by many of my colleagues—particularly Senator LEVIN in his work—with respect to corporate tax loopholes which not only should be corrected but could be applied to allow these Americans the opportunity to have some support as they go forward looking for work. But because our colleagues said no revenue, OK, we have looked for ways to pay for this without engaging in rhetoric. So I think we have made a significant step forward.

In turn, my colleagues have come back and proposed variations on some of the things we have talked about. They have done it in good faith. They have done it with great ingenuity. Again, I thank them. We haven't yet come to a sort of meeting of the minds, but we are working.

Again, let me go back to the original proposal Senator HELLER and I made. We said: Let's do this for 3 months without a pay-for. That will give us time to do a lot of the work my colleagues have suggested. They have talked about how training programs have to be changed, how skills have to be matched up with jobs, very intricate programmatic changes. That is not going to be done here on the floor within 24, 48, or 72 hours.

I would conclude by again saying: There are now approaching 1.5 million Americans who were abandoned on the 28th of December. Their benefits were cut off. They are in some cases desperate, trying to pay their mortgages, trying to keep their homes, trying to put food on their table. They are trying to put gas in their car, natural gas to heat their homes in the cold weather, and I think we have to respond.

Again, I thank my colleagues who have helped. Tomorrow we are going to get closer to a sort of point of reckoning, and I hope we can come together and move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

WILKINS NOMINATION

Mr. LEE. Mr. President, I thank my colleagues from Rhode Island and Iowa for their cooperation in establishing the speaking order this evening. I would like to speak for a moment about the vote we just cast. We just confirmed Judge Wilkins to the U.S. Court of Appeals for the DC Circuit. I voted against this judge. In doing that, I joined my Republican colleagues for one simple reason. Several years ago, when President George W. Bush was in the White House, he nominated an eminently qualified lawyer named Peter Keisler who had bipartisan support.

He was not a partisan hack; he was a true craftsman in the law. He was someone whom no one had any ideological opposition to, but he was blocked by the Senate Democrats at that time for the simple fact, based on the simple reason, that according to the Senate Democrats the DC Circuit's caseload was not sufficiently robust to justify the filling of this position.

Since that time, not very many things have changed. Since that time, if anything, the DC Circuit's caseload per judge has remained about the same or some would argue has gone down a little, depending on which metric you use. One change is that we have now a Democratic President in the White House instead of a Republican President in the White House. Suddenly my friends across the aisle have forgotten about the caseload-based arguments they used a few years ago to keep Peter Keisler off the U.S. Court of Appeals for the DC Circuit.

We have now confirmed, just in the last few weeks, three additional judges to the U.S. Court of Appeals for the DC Circuit. This has happened against substantial Republican opposition that has been based on the very analysis I have just outlined. This has been facilitated by virtue of the fact that my distinguished colleague, the senior Senator from Nevada, joined by his Democratic colleagues, chose a few weeks ago to exercise what has been referred to as the nuclear option. They broke the rules of the Senate in order to change the rules of the Senate, and they did that so they could put more people on the bench, so they could put more people into top-level positions in this administration while more or less squelching the view of the minority party within the Senate.

This is unfortunate. The most unfortunate aspect of it is that it is part of a broader strategy that is not limited to the DC Circuit; in fact, it is not even limited to the Senate's confirmation process with respect to these judges or other judges. It extends much more broadly than that. It is part of the same effort that convinced the President of the United States, on January 4, 2012, to make four appointments, three to the National Labor Relations Board and one to the Consumer Financial Protection Bureau, pursuant to the President's recess appointment power.

Citing Article II, Section 2, Clause 3 of the Constitution, the President claimed he had the power to appoint these individuals without going through the Senate advice-and-consent process because, as he asserted, the Senate was in recess. There was only one problem with this. The Senate was not in fact in recess. Under Article I, Section 5, Clause 2 of the Constitution, each Chamber of Congress, including the Senate, has the right to determine its own rules, its own procedures. According to the Senate's own rules and according to the Senate's own Journal, the Senate was in fact in session as of January 4, 2012, the moment these supposed recess appointments were made. This was a problem.

Fortunately, the U.S. Court of Appeals for the DC Circuit—prior, I would add, to the confirmation of the three recent judges we have confirmed just in the last few weeks—concluded that this was a lawless act; that it was unconstitutional; that the President did not have the right to deem the Senate in recess when, according to the Senate's own rules, the Senate was in session. The Senate was not in recess.

That case today was reviewed by the Supreme Court of the United States. I had the privilege of sitting in the courtroom just across the street and watching those proceedings. I was pleased to see the checks and balances within our system were functioning—at least to the extent that we have our court system reviewing this act by the President of the United States. I think it is fortunate we have this kind of judicial system that can review it. Based on what I saw today and the quality of the arguments presented to the Court, I am hopeful the Court will reach the same conclusion. I am hopeful the Supreme Court will affirm the judgment entered by the DC Circuit.

In a broader sense it is sad, it is disappointing that it even had to get that far, and it is disappointing that the President of the United States was willing to engage in such a lawless act; that the President of the United States was willing openly to flout the plain text, history, tradition of the U.S. Constitution.

Ours is not a government of one. It was with good reason that the Founding Fathers split up the power, including the power to appoint people to high Federal office such that the President could nominate but the Senate got to confirm. By the President's approach, pursuant to which the President of the United States could himself deem the Senate in recess if he did not think the Senate was doing enough when it went into brief sessions, the President himself could substantially circumvent the advice-and-consent role the Founding Fathers and the Constitution wisely placed in the hands of the Senate.

The reason I said it is unfortunate it had to get to that level, it is unfortunate, first of all, the President felt it was OK, it was acceptable do this. He, of course, took an oath, not once but twice, to uphold, protect, and defend the Constitution of the United States.

It is unfortunate, secondarily, that there was not more of an outcry from this body. Sure, there were a lot Republicans who joined me in calling this action lawless, because it was. It was sad that none of our colleagues from the other side of the aisle—at least not publicly—were willing to acknowledge the lawlessness of this act. Some acknowledged to me in private that it was problematic. Some acknowledged to me that there were some implications behind this that threatened the Senate as an institution. But I think we need to be more open, more faithful, more forceful, and less partisan about the way we defend the Constitution of the United States.

To me it would not matter—if this were a Republican President I would be arguing with equal strength on this issue. In the future when we have a Republican President, if any Republican President is lawless enough to try this, I will oppose it with everything within me. We ourselves take an oath to uphold the Constitution of the United States. I think that involves doing more than simply leaving it to the courts to iron out the details.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

UNEMPLOYMENT COMPENSATION

Mr. HARKIN. Mr. President, first, I thank the Senator from Rhode Island and the Senator from Utah for agreeing to the way we worked this out so we could all have our time to speak on the Senate floor. I appreciate it very much.

Extending unemployment compensation benefits is one of the most important things, vital things we should be doing right now in Congress, both for the people who are unemployed but also for our economy. Our economy is improving—slowly. There are still 20 million Americans either out of work or marginally employed who want to work. Almost 4 million of those have been out of work for over 6 months. So, faced with this, it is reprehensible that Congress failed to extend Federal unemployment benefits at the end of last year, 3 days after Christmas.

To correct this failure, last week the Senate began considering a bill that was intended to extend those benefits, and I wholeheartedly support this effort. As our economy makes steady improvements on the long road of recovery from the great recession, we continue to support our fellow Americans who are out of work through no fault of their own. The way to do that is to restore Federal unemployment insurance programs for the long-term unemployed. But to garner the votes needed to pass the unemployment insurance extension, my colleagues on the other side of the aisle insisted we find a way to pay for it, through cuts to existing programs, cuts that one columnist for the Los Angeles Times said were Swiftian in their absurdity and cruelty.

I refer to the January 10 issue of the Los Angeles Times by Michael Hiltzik. It is titled ''An awful idea: hammer the disabled to pay for unemployment benefits.''

The first paragraph says:

> It would take the pen of Jonathan Swift to fully describe Congress's willingness to beat up on the least fortunate members of society to protect the richest. The latest example is a plan to pay for a one-year extension of unemployment insurance by cutting Social Security benefits for the disabled.

First of all, I wish to say I do not believe that an extension of Federal unemployment insurance benefits needs to be offset. We have done it before. We did it under the Bush administration and we have done it before and it has always been an emergency. It is just as if a hurricane hits or terrible storm; this is a terrible storm for people who are unemployed for long periods of time. Frankly, the recent budget deal we just passed reduced the deficit by $25 billion. I disagree with having to find extra money. But the other side—the Republicans—says we have to find offsets. I guess I am reluctantly willing to do so.

However, the proposal before us would do so in one of the most pernicious ways possible. I guess the most positive comment I can make about it is it is comparatively less damaging than some of the amendments that have been filed by some of my Republican colleagues. But understand this. The proposal before us to extend unemployment benefits and to ''pay for it,'' what it would do is it would deny individuals who have a disability and who are receiving Social Security disability insurance—it would say that if someone gets unemployment compensation, their disability payments will be reduced, dollar for dollar, for every dollar they get in unemployment compensation. That is bad enough. I will get into that in a second. Amendments filed on the Republican side would go further, and they would say if someone gets $1 in unemployment compensation payments, they would lose all their disability rights, all their disability payments, and all their Medicare support that comes along with being approved for SSDI—Social Security disability insurance.

The proponents of these policies say that people with disabilities who receive disability insurance payments and unemployment compensation payments are double dipping. They claim this is a loophole; that somehow people who receive both are scamming the system. This is not true. This is simply not true. SSDI, Social Security disability insurance, is designed to address the needs of people with disabilities. Unemployment insurance is designed as a partial, temporary replacement of income for people who lost jobs through no fault of their own. They are two separate programs with two separate designed benefits. It is possible for an individual to be eligible for both.

How can this be? First of all, we have to disabuse ourselves of what we keep hearing on the Senate floor from my friends on the Republican side. They keep talking about disability insurance as though, if someone gets Social Security disability insurance, then they are unable to work. That is not true. That is simply not true. SSDI is set up as system to give some support while looking for work—or get a job and supplement that.

Under the law, people who qualify for SSDI, Social Security disability—I will just say disability. People who qualify for disability insurance can work and are encouraged to work, and they can make up to $1,070 a month without losing their SSDI. Why is it? Because we want people to work to the best of their ability—especially when they have a disability. People with disabilities also want to work.

Keep in mind the SSDI Program is not a freeloader program. When you work and get a paycheck, they take out FICA taxes, which is the Federal Insurance Contribution Act. There are three parts of it. You pay to an insurance program for Social Security, old age, and survivors. It is indemnity insurance so when you get old, you get a check. Most people think of it as Social Security. The second part is hospital insurance, or Medicare. The third part is disability insurance. If you don't work and you haven't paid your FICA taxes, you don't get SSDI.

Listen to this. An adult becomes eligible for disability insurance compensation when they have worked at least 10 years. You have to work at least 10 years and at least 5 years prior to getting Social Security disability, and you have to have earned at least $4,800 a year. You have to earn at least $400 a month for 5 years before you even qualify.

So this idea that I keep hearing about, oh, someone works for 4 weeks, and then they go out and file for disability and are on disability for the rest of their lives is nonsense. That is not true. Yet we keep hearing these stories going around and around. You will have worked at least 10 years and will have had earnings during at least 5 of the previous 10 years prior to receiving it, and you have to have made at least $4,800 a year before you qualify.

Then let's say you do become disabled and file for disability. What is your chance of getting it? One out of three. For every three persons who file for Social Security disability insurance compensation, only one out of three actually gets it. Why is that? You have to go through a long evidentiary process—a medical evidentiary process—and the administrative law judge is going to send you back to get further opinions. So it is not something you just file and you get it. Only one out of three qualifies for it.

That is why if a person works and pays taxes—your FICA taxes—and is then laid off, they can get unemployment. But if they also qualify for disability insurance, they should get that if they paid into the system. People with disabilities who work and pay into that system can also be eligible for unemployment compensation. Why shouldn't they get that?

Listen to this. If we deny people with disabilities their right to the insurance they have paid for, we are discriminating against a group of people in a way that no other group is singled out. In other words, we are discriminating against you just because you are disabled. How do you like that? Is that what we are about? We are going to discriminate against you just because you are disabled. Because if you are not disabled, you won't be discriminated against. If you are not disabled, you will get your unemployment compensation. You might even be eligible for some other government programs, such as section 8 housing or something like that. We don't take that away.

God forbid you become disabled and you are working—you are disabled, you get a disability check, and you go to work. You can work and make up to $1,070 a month. You are providing a little bit of extra income so you can live independently and maybe provide a few things for yourself. But you, and only you—if you get unemployment compensation, we are going to take away your disability payments. Only you. Nobody else. Nobody else is denied their full unemployment compensation. Under the bill we have, only people with disabilities will be affected.

Let me provide a real-life example of what this means to a real person. I will call him Henry. This is a real person. Henry lives in the District of Columbia. Henry has a disability. He is deaf, and he has other health problems on top of being deaf. But Henry worked. He worked for 10 years. He worked and paid his taxes, but then in his thirties, because of other health reasons, he couldn't continue to work full time so he went on disability and qualified for it. So now he is making $740 a month on his disability insurance—$740 a month. Well, he can earn up to $1,070 a month, as I said, under the law and still get that. He can't work full time, but he likes to work. He wants to work. He wants to be a productive citizen, so he went out and got a part-time job consistent with his disabilities. He makes $950 a month.

If you add $950 and $740, you get $1,690 a month. Big deal. But I can tell you what that $1,690 does for him. It allows him to live independently. It allows him to provide some payments for a support system. It allows him to sign up for cable TV. It allows him to go see a movie once in a while and maybe even go out and have a hamburger—$1,690 a month. That is what Henry was doing.

Henry became unemployed. But now mind you, every month he worked and made $950 a month, he paid his FICA taxes every month. Now he is unemployed. Well, what happens? He went on unemployment compensation and he gets $520 a month. He gets $740 for disability, $520 for unemployment, which adds up to $1,260 a month. It is a little over $400 and some less than what he was getting when he worked full time. Still, $1,260 a month allows him to live independently. It allows him to support himself.

Under the amendment that is in this bill, here is what happens: He gets his $520 in unemployment, but his disability is reduced to $220 a month. Now Henry is getting $740 a month. What is he going to do? He won't be able to afford his apartment, let alone have cable TV. I don't know if Henry has cable TV. But $740 a month?

No other person working in America and paying their FICA taxes is treated like that—no one. And they still aren't unless this amendment is adopted, and then we will discriminate against you simply because you are disabled. I mean, you wonder what people are thinking about.

Yes, I have compassion for those who are unemployed. I would like to see our economy improve. We have to extend unemployment benefits but not at the expense of people who are on the lowest rung of our ladder—people with disabilities, who have paid into the system, and who have become unemployed. Henry wants to work. He wants to work. He wants to make that $950 a month. Pernicious? Pernicious? That is just a fancy way of saying it is abominable that we would even consider it.

Henry is not double dipping. He is not scamming the system. He is not a slacker. He is not defrauding anybody. He is only getting what is rightfully his because he paid into the program. If people with disabilities are earning income, as Henry was, and paying into the disability insurance program, they should be eligible for that just as any other citizen who paid into that program. Again, to do otherwise would be to discriminate against someone just because they are disabled.

One of my proudest moments in my history here in the Senate—indeed, in the entire Congress—is when I stood on this floor as a chief sponsor of the Americans with Disabilities Act in 1990. When we passed that and President Bush signed it into law, the cheers went up. It was passed 25 years after the passage of the great Civil Rights Act of 1965. That was sort of the emancipation proclamation for people with disabilities. Because of that law, we have encouraged people with disabilities to work. They want to work. Now we want to break down the barriers, provide for accommodations and transportation and ramps and widen doors and all the other factors that make it possible for people with disabilities to get a job and go to work. It changed the system.

I can remember when we had the hearings. We had people come in and testify. Employers said they would hire people with disabilities, but sometimes they don't show up for work and this and that. Well, I looked into it, and I found out they couldn't get on the bus because the bus wasn't accessible. How are they going to get to work? They couldn't drive because they were in a wheelchair and they couldn't get on the bus. So we changed it. We made the buses and the metro accessible. Everything is accessible now. People with disabilities are working, and they want them to work.

Now we are saying to them, you can work. Like Henry, you can work, and you should. If you qualify for disability insurance, you can get your disability insurance and make up to $1,070 a month because we would like you to work if you want to work. But if you are like Henry and pay into the system and become unemployed, you will go from $1,690 to $740 a month simply because we are discriminating against you. What kind of signal does that send?

That is why this provision is opposed by members of the entire disability community, Arc, the National Disability Rights Network, the National Organization of Social Security Claimants Representatives, American Association of People with Disabilities, and on and on and on.

Mr. President, I ask unanimous consent that the letter expressing opposition to this proposal from these groups be printed in the RECORD at the end of my remarks.

I also ask unanimous consent that this article from in the L.A. Times be printed in the RECORD at the end of my remarks.

As I pointed out, you hammer the disabled to pay for unemployment benefits? You sometimes wonder.

I want to be clear about one thing: I don't ascribe bad motives to anybody in this body—not in the least. As a matter of fact, I am told there will be a motion to strike this provision when we vote on the cloture on this tomorrow, and that is good. I hope it is generally supported by everyone here. So I don't ascribe bad motives, but what happens sometimes is we don't think these things through. Someone starts this thing, and they say these people are double dipping and scamming the system, and all of a sudden it sounds—oh, my gosh, yes.

But when you look into it and examine it, and you see these people have been paying their FICA taxes—they have been paying their taxes. But you say because you are disabled, you don't get it if you become unemployed.

We are busy around here, and we look at different things, so there are no bad motives. I take the floor to set the record straight and to let everyone know just what is at stake. Do we really, truly want to discriminate against 117,000 Americans? That is what the General Accounting Office said in a study done a couple of years ago—that there were about 117,000 Americans at any one time who are getting disability insurance as well as unemployment.

If Henry's health improved, and he was able to get a full-time job, he wouldn't get his disability. He would go back and start earning money full-time. So are we saying that somehow we are going to take away their incentive to work? No, I don't think so. I think it is just one of those things that comes up and people say they are double dipping and they are scamming the system. But, no, that is not what is happening at all. They pay into the system. It is insurance. They pay for it. They ought to receive it, and they shouldn't have their disability payments reduced because they are getting unemployment. They are two separate programs.

So I hope two things happen. I hope we can get cloture on the bill to proceed to extend Federal unemployment benefits. But I also hope all of my colleagues will see the error of this part of the amendment and move to strike it. Fundamentally, it is the only right thing to do. So I hope we will do that. I hope we will begin to take a look more and more at disability insurance in terms of what it means, how it operates. The notion that, somehow, if a person gets disability insurance they cannot work—that is not true. A person can work. If a person is able to work, they can earn up to $1,070 a month without losing their disability payments.

So I hope as we go forward, we will begin to shed more light and have a more enlightened discussion on this program and how it operates and why it is so essential to ensure that people with disabilities are not discriminated against in a manner that no other part of our society would be, if this provision were left in the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
Washington, DC, January 11, 2014.

U.S. SENATE,
Washington, DC.

DEAR SENATORS: The undersigned members of the Consortium for Citizens with Disabilities are writing to express our opposition to proposals to eliminate or reduce Social Security Disability Insurance (DI) benefits for individuals who concurrently receive Unemployment Insurance (UI) benefits as a partial offset for extending the Emergency Unemployment Compensation (EUC) program.

The DI and UI programs have been established for different purposes and largely serve different populations. As highlighted in a 2012 report by the Government Accountability Office (GAO), less than one percent of individuals served by the DI and UI programs receive concurrent benefits.

At the same time, receiving UI and DI is not inconsistent. This has been the long-standing position of the Social Security Administration and of the courts. Individuals who receive concurrent benefits do so because they have significant disabilities that make them eligible for DI, and because they have also attempted to work at a low level of earnings but have lost their job through no fault of their own. According to the GAO, the average quarterly concurrent benefit in fiscal year 2010 was about $1,100 in DI and $2,200 in UI for a quarterly average of about $3,300 in total benefits.

These benefits can be a lifeline to workers with disabilities who receive them, and their families. We are concerned about any cuts to these already modest benefits, and about the prospect of worsening the economic security of workers with disabilities and their families at a time when the economy continues to struggle.

Finally, we believe that changes to our nation's Social Security system should be carefully considered as part of discussions about how to strengthen Social Security, and that benefit cuts to Social Security should not be considered as part of offsets for other important benefit programs.

In closing, while we strongly support extending the EUC program, we oppose amendments to partially offset the costs by eliminating or reducing concurrent DI and UI benefits.

Sincerely,

ACCSES, The Advocacy Institute, The Arc of the United States, Association of University Centers on Disabilities

Autism National Committee, Autistic Self-Advocacy Network (ASAN), Community Legal Services, Inc., Brain Injury Association of America, Disability Rights Education & Defense Fund, Easter Seals, Goodwill Industries International, Health and Disability Advocates, Lupus Foundation of America.

National Alliance on Mental Illness (NAMI), National Association of Disability Representatives, National Association of County Behavioral Health & Developmental Disability, Directors National Council for Community Behavioral Healthcare, National Council on Independent Living (NCIL), National Disability Rights Network, National Multiple Sclerosis Society, National Organization on Disability, National Organization of Social Security Claimants' Representatives, TASH, United Cerebral Palsy, United Spinal Association, World Institute on Disability.

[From the LA Times, Jan. 10, 2014]

AN AWFUL IDEA: HAMMER THE DISABLED TO PAY FOR UNEMPLOYMENT BENEFITS

(By Michael Hiltzik)

It would take the pen of Jonathan Swift* to fully describe Congress's willingness to beat up on the least fortunate members of society to protect the richest. The latest example is a plan to pay for a one-year extension of unemployment insurance by cutting Social Security benefits for the disabled.

This flinthearted idea has been endorsed by Senate Democrats, of all people, who have written it into a proposal that could reach the floor as early as Monday. Its chief sponsor is Sen. Jack Reed, D–R.I., but it's got the support of Senate Majority Leader Harry Reid too.

Advocates for Social Security and for disabled workers are in a fully justified uproar over this measure for two main reasons: it uniquely burdens the disabled among all workers, and it sets a terrible precedent of raiding Social Security to pay for other social programs. As a coalition of disabled advocacy groups put it in a letter to Sen. Tom Harkin, D–Iowa, chairman of the Committee on Health, Education, Labor, and Pensions, the measure would mean ''worsening the economic security of workers with disabilities and their families at a time when the economy continues to struggle.''

How crucial is this offset for the federal budget, you fiscal hawks in Washington? It would save about $100 million a year. That's less than three thousandths of a percent of the annual federal budget. Sure, fiscal responsibility has to start somewhere, but surely there are deeper pockets to mine than those of disabled people struggling to make ends meet.

The offset, moreover, is based on the unjustified treatment of disability pay and unemployment compensation as somehow two sides of the same coin, so that receiving one should disqualify you from the other.

The idea that disabled persons are ''double-dipping'' by collecting wages or other compensation while also getting a disability check is enshrined in conservative attacks on disability. But it's untrue. The Social Security disability program is designed as a bridge to full employment. Its benefits aren't intended as a substitute for wages, but a supplement.

As the Center on Budget and Policy Priorities observes, disabled beneficiaries can earn up to $1,070 a month in wages this year without jeopardizing their benefits so they can ''test their ability to return to work'' and ease their transition back into the labor market.

The average monthly disability benefit was about $1,130 last year and the average unemployment check $1,200, so no one is getting rich here. Add together the averages, and we're still talking about poverty level income for a family of four.

The coalition of disability groups points out that the unemployment and disability programs were designed for different purposes and for the most part serve different populations. But there is an overlap estimated at about 117,000 of the 8.9 million Americans receiving disability, according to Rebecca Vallas of the National Organization of Social Security Claimants' Representatives, a leading advocacy group.

These are people who have passed through the very stringent gauntlet necessary to qualify for disability benefits, and they've also worked long enough to become eligible for unemployment. There's no justification in law or logic for offsetting one benefit by the other.

Vallas and other advocates are especially nervous that this sort of proposal encourages lawmakers to view Social Security benefits as a ''piggy bank'' to pay for other social programs. ''It's death by a thousand paper cuts to call this a pay-for'' to cover the expansion of unemployment insurance, she says.

But the idea is becoming disturbingly common in Washington. The disability-unemployment offset also appeared in President Obama's 2014 budget proposal, which called it a ''smart reform . . . (to) root out duplicative or wasteful spending.'' (The budget hasn't been passed.)

It's anything but a ''smart reform'': it's a hacking away at the safety net for the disabled and unemployed that only a Scrooge would contemplate. The very idea that we should bill the disabled to pay for benefits for the jobless suggests that our national standards of fairness and civilization have fallen very, very low indeed. This is a proposal that should die in its crib.

Mr. HARKIN. Mr. President, with that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VERMONT ARMY NATIONAL GUARD

Mr. LEAHY. As the longtime co-chair of the Senate National Guard Caucus, I have the honor of advocating for the amazing men and women of the National Guard and of supporting their role in protecting our Nation, both at home and abroad. It is always a great pleasure for me to be able to point to the men and women of Vermont's own National Guard as an example of everything the National Guard does right. This weekend, a battalion of the Vermont National Guard was honored with the Army's prestigious Valorous Unit Award for their service in Afghanistan. I recognized the achievements of this acclaimed unit last week here in the Senate.

I ask unanimous consent that an article from today's Burlington Free Press commemorating the award ceremony held January 12 in Norwich, Vt., and the amazing service that led to the award be printed the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Jan. 13, 2014]

COMMENDED FOR COURAGE: GUARD UNIT, COMBAT MEDIC HONORED FOR ACTIONS IN AFGHANISTAN

(By Sam Hemingway)

Three years after the Vermont Army National Guard concluded its largest deployment since World War II, 600 members of the mountain infantry contingent were given a Valorous Unit Award on Sunday for their service in Afghanistan.

''You served in a very hostile area,'' Brig. Gen. Brian Carpenter told the soldiers as they stood in formation during a ceremony at Shapiro Field House at Norwich University in Northfield. ''For a unit to be recommended, as you are, takes tremendous leadership.''

The award, the second highest award a military unit can receive, honored the combat performance of the 3rd Battalion, 172nd Infantry while it was carrying out its 2010 mission in Paktya and three other provinces in eastern Afghanistan near the Pakistani border.

The unit was attached to the active Army's 101st Airborne Division and stationed at the Herrera and Rahman Kheyl combat outposts and at the Gardez forward operating outpost. The unit is largely made up of Vermonters, but includes soldiers from Maine and New Hampshire.

Also recognized during the ceremony was combat medic Sgt. Michael Mulcahy, who was awarded the Bronze Star for Valor for his bravery during a platoon ambush that claimed the lives of two Guard soldiers, Sgt. Tristan Southworth of Walden and Sgt. Steven Deluzio of Glastonbury, Conn.

Mulcahy who was assigned to the small Herrera outpost in Paktya province, braved enemy fire during back-to-back ambushes near Mullafatee village on Aug. 22, 2010, according to a narrative detailing his exploits.

Carpenter, reading a portion of the narrative to soldiers and attendees at the ceremony, described how Mulcahy ''led the way uphill through accurate heavy volumes of enemy fire'' in order to reach injured soldiers.

At one point, according to the narrative, Mulcahy used his body to shield a wounded Southworth from heavy enemy fire.

''Mulcahy moved with very little cover through RPG (rocket-propelled grenade) and extremely heavy machine gun fire to . . . Southworth,'' the narrative said.

After determining Southworth had died, Mulcahy again risked his life to treat another wounded soldier.

Mulcahy, described by a colleague at the ceremony as a ''very humble guy'' went up to Southworth's parents after the ceremony. The three exchanged long, tearful embraces.

''We are proud to know him,'' Julie Southworth, Tristan Southworth's mother, said of Mulcahy after the ceremony ended. She said the family had not met Mulcahy previously. Mulcahy told Guard officials he did not want to be interviewed.

Carpenter, speaking of the unit award, said the 172nd Infantry carried out 4,300 combat patrols during the Afghanistan deployment. Twenty-six members were awarded Purple Hearts for injuries sustained during combat, he said.

''Their expertise in bringing decisive combat power to bear on the enemy wherever and whenever needed set the conditions for overwhelming victory and represents a phenomenal effort,'' the unit award narrative said in part.

The unit also served in the only province where no civilians were harmed or killed during parliamentary elections in 2010. Paktya's turnout for the elections topped 94,000, a 15 percent increase over its turnout in the previous election.

The unit also worked on various economic development and governance projects, and helped train Afghan army, police and medics.

Attending Sunday's ceremonies were U.S. Sen. Bernie Sanders, I–Vt., Rep. Peter Welch, D–Vt., Gov. Peter Shumlin and Lt. Gov. Phil Scott, who had spent the day before as an honorary Guard member. John Tracy, a veteran and Vermont office director for Sen. Patrick Leahy, D–Vt., represented Leahy. All but Scott spoke briefly at the ceremony.

''This is a really emotional day for me,'' said Lt. Col. Robert Charlesworth, who was based at Gardez and oversaw the 172nd Infantry's operations in Afghanistan. ''To finally see these guys and gals recognized for the accomplishments that they had in Afghanistan is very satisfying.''

Charlesworth, who now works at the Pentagon as a staff planner with the Joint Chiefs of Staff, said the gains made by the infantry unit in Paktya have mostly held up since the deployment ended.

He said the outposts at Herrera, Rahman Kheyl and Gardez where the soldiers served have been either dismantled or substantially altered since the unit left Afghanistan.

Charlesworth said he's hopeful for the future of Afghanistan as the United States continues to withdraw combat troops from the country and wind down its operations there.

''It's a pretty pivotal moment in history right now in Afghanistan,'' he said. ''We're in the final stages of trying to put together our bi-lateral security agreement with Afghanistan to try to solidify all of the gains we helped the Afghans build over there. I think the next year is going to be critical.''

During the course of Sunday's ceremony, one of the soldiers in the unit collapsed as the result of an apparent seizure. The proceedings were halted briefly while several soldiers came to his aid. The soldier, who was not identified, was able to walk under his own power out of the building. Maj. Chris Gookin, the Guard's spokesman, said later Sunday he did not believe the soldier had to be hospitalized.

Two other of the 600 soldiers who stood during the hour-long event also grew faint during the proceedings and were assisted by their comrades.

ADDITIONAL STATEMENTS

TRIBUTE TO BERNICE JOSEPH

● Ms. MURKOWSKI. Mr. President, today I wish to honor the life and achievements of Bernice Joseph, who committed her life to improving our State through education reform and to ensuring the success of Alaska Native students.

As the vice chancellor and executive dean of the College of Rural and Community Development at the University of Alaska Fairbanks, Ms. Joseph played an important role in advancing university services to Alaska Native and rural students throughout 160 communities within the State of Alaska. As a member of the university's senior management, she was a respected leader throughout the University of Alaska system and throughout the State. It has been said that if it had not been for Bernice and her work to build the College of Rural and Community Development, many would not have been able to earn their college degree.

From 1995 to 2000 Bernice served as assistant professor at UAF in the Department of Alaska Native and Rural Development. Prior to her work at the university, Bernice served as deputy commissioner of the Alaska Department of Community and Economic Development, overseeing rural development programs as the tribal liaison and as a key advisor to Governor Tony Knowles. She worked tirelessly to strengthen rural Alaska communities and was a conduit in bringing rural Alaska concerns to the attention of the administration. She also served her community in many ways, including as a trustee for the Greater Fairbanks Community Hospital Foundation.

As I reflect on her short time on this earth, I realize that she achieved so much. Bernice advanced our State's dialogue on Native education. In her 2005 keynote address to the Alaska Federation of Natives, during which she summarized her journey as a leader, she said:

> We are all too familiar with the statistics facing Alaska Natives about educational attainment, suicide, alcohol and drug abuse and the number of Alaska Natives in prison. Education is the key to overcoming many of the barriers Alaska Natives face. Yet, it must be an education that is sensitive to Native Ways of Knowing.

She was tireless in working to help our State's leaders understand that a strong cultural foundation and an education system that values Alaska Native knowledge are vital to the success of our Native students. One of her greatest joys was attending college graduation ceremonies across rural Alaska.

Living in Fairbanks, and originally from Nulato, Ms. Joseph maintained her personal connections to her heritage and culture. She went to fish camp every summer and enjoyed moose hunting with her husband. She did it all, from the bush to the boardroom and in 2012 was named citizen of the year by the Alaska Federation of Natives.

She will continue to be an inspiration to leaders, both current and emerging, throughout Alaska. The impacts of her contributions to ensure that our education system is relevant to Native students will be felt for generations.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Banking, Housing, and Urban Development.

(The message received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2279. An act to amend the Solid Waste Disposal Act relating to review of regulations under such Act and to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to financial responsibility for classes of facilities.

H.R. 3811. An act to require notification of individuals of breaches of personally identifiable information through Exchanges under the Patient Protection and Affordable Care Act.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2279. An act to amend the Solid Waste Disposal Act relating to review of regulations under such Act and to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to financial responsibility for classes of facilities; to the Committee on Environment and Public Works.

H.R. 3811. An act to require notification of individuals of breaches of personally identifiable information through Exchanges under the Patient Protection and Affordable Care Act; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4225. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2013 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4226. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Agency Financial Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4227. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Service's Semiannual Report of the Inspector General for the period from April 2013 through September 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4228. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Secretary of the Department of Homeland Security, received in the Office of the President of the Senate on January 7, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4229. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary, National Protection and Program Directorate, Department of Homeland Security, received in the Office of the President of the Senate on January 7, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–4230. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2013 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4231. A communication from the Acting Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Financial Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4232. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report to Congress on Audit Follow-up for the period of April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4233. A communication from the Acting Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4234. A communication from the Director, U.S. Trade and Development Agency, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4235. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Post-Employment Conflict of Interest Regulations; Exempted Senior Employee Positions" (RIN3209–AA14) received in the Office of the President of the Senate on January 6, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–4236. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary for Management, Department of Homeland Security, received in the Office of the President of the Senate on January 7, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–4237. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Secretary, Department of Homeland Security, received in the Office of the President of the Senate on January 13, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–4238. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4239. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Agency Financial Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4240. A communication from the Treasurer, National Gallery of Art, transmitting, pursuant to law, the Gallery's Performance and Accountability Report for the year ended September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4241. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4242. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department of Housing and Urban Development Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4243. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Agency Financial Report for Fiscal Year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4244. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4245. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Agency Financial Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4246. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Preserving the Integrity of the Federal Merit Systems: Understanding and Addressing Perceptions of Favoritism''; to the Committee on Homeland Security and Governmental Affairs.

EC–4247. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's Annual Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4248. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4249. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Small Entity Compliance Guide'' (FAC 2005–72) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4250. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Trade Agreements Thresholds'' (FAC 2005–72) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4251. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Prioritizing Sources of Supplies and Services for Use by the Government'' (FAC 2005–72) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4252. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Service Contracts Reporting Requirements'' (FAC 2005–72) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4253. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–72; Introduction'' (FAC 2005–72) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4254. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Agency Financial Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4255. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4256. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, Office of Inspector General, Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–4257. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4258. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4259. A communication from the Assistant Secretary for Financial Resources and Chief Financial Officer, Department of Health and Human Services, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department's Agency Financial Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4260. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Uniform Resource Locator (URL) address for the Department of Veterans Affairs 2013 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4261. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department of the Interior's Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4262. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–4263. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

Arun Madhavan Kumar, of California, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

*Jo Emily Handelsman, of Connecticut, to be an Associate Director of the Office of Science and Technology Policy.

*Kathryn D. Sullivan, of Ohio, to be Under Secretary of Commerce for Oceans and Atmosphere.

*Robert Michael Simon, of Maryland, to be an Associate Director of the Office of Science and Technology Policy.

*Debra L. Miller, of Kansas, to be a Member of the Surface Transportation Board for a term expiring December 31, 2017.

*Terrell McSweeny, of the District of Columbia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2010.

*Paul Nathan Jaenichen, Sr., of Kentucky, to be Administrator of the Maritime Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1913. A bill to make permanent the Payments in Lieu of Taxes program; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself, Mr. KIRK, and Mr. DURBIN):

S. 1914. A bill to designate the Federal building housing the Bureau of Alcohol, Tobacco, Firearms and Explosives Headquarters located at 99 New York Avenue

N.E., Washington, D.C., as the ''Eliot Ness ATF Building''; to the Committee on Environment and Public Works.

By Mr. FLAKE (for himself and Mr. JOHNSON of Wisconsin):

S. 1915. A bill to permit health insurance issuers to offer additional plan options to individuals; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUMENTHAL (for himself, Mr. DURBIN, Mr. HARKIN, Mr. BROWN, Mr. MARKEY, Mr. MERKLEY, Ms. HEITKAMP, Mr. JOHNSON of South Dakota, Mr. CASEY, Mrs. FEINSTEIN, and Mr. KING):

S. Res. 330. A resolution recognizing the 50th anniversary of ''Smoking and Health: Report of the Advisory Committee to the Surgeon General of the United States'' and the significant progress in reducing the public health burden of tobacco use, and supporting an end to tobacco-related death and disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON (for himself and Mr. RUBIO):

S. Res. 331. A resolution congratulating the Florida State University football team for winning the 2014 Bowl Championship Series national championship; considered and agreed to.

By Mr. HOEVEN (for himself and Ms. HEITKAMP):

S. Res. 332. A resolution congratulating the North Dakota State University football team for winning the 2013 National Collegiate Athletic Association Division I Football Championship Subdivision title; considered and agreed to.

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. MARKEY, his name was added as a cosponsor of S. 314, a bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

S. 397

At the request of Mr. NELSON, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 397, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 644

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 644, a bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the abuse of dextromethorphan, and for other purposes.

S. 809

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 809, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that genetically engineered food and foods that contain genetically engineered ingredients be labeled accordingly.

S. 1114

At the request of Mr. BROWN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1114, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1406

At the request of Ms. AYOTTE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1406, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1623

At the request of Mr. LEE, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1623, a bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

S. 1737

At the request of Mr. HARKIN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1737, a bill to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property.

S. 1759

At the request of Mr. SANDERS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1759, a bill to reauthorize the teaching health center program.

S. 1788

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 1788, a bill to make it a negotiating principle of the United States in negotiations for bilateral, plurilateral, or multilateral agreements to seek the inclusion of provisions that promote Internet-enabled commerce and digital trade.

S. 1808

At the request of Mr. LEE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1808, a bill to prevent adverse treatment of any person on the basis of views held with respect to marriage.

S. 1844

At the request of Mrs. SHAHEEN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1844, a bill to restore full military retirement benefits by closing corporate tax loopholes.

S. 1869

At the request of Ms. AYOTTE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1869, a bill to repeal section 403 of the Bipartisan Budget Act of 2013, relating to an annual adjustment of retired pay for members of the Armed Forces under the age of 62, and to provide an offset.

S. 1878

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1878, a bill to better enable State child welfare agencies to prevent sex trafficking of children and serve the needs of children who are victims of sex trafficking, and for other purposes.

S. 1880

At the request of Mrs. MURRAY, the names of the Senator from Colorado (Mr. UDALL) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 1880, a bill to provide that the annual adjustment of retired pay for members of the Armed Forces under the age of 62 under the Bipartisan Budget Act of 2013 shall not apply to members retired for disability and to retired pay used to compute certain Survivor Benefit Plan annuities.

S. 1891

At the request of Ms. AYOTTE, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 1891, a bill to require a study and report by the Comptroller General regarding the restart provision of the Hours of Service Rules for Commercial Truck Drivers, and for other purposes.

S. 1897

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1897, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1902

At the request of Mr. BARRASSO, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Indiana (Mr. COATS) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1902, a bill to require notification of individuals of breaches of personally identifiable information through Exchanges under the Patient Protection and Affordable Care Act.

S. 1907

At the request of Mr. KIRK, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. COBURN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1907, a bill to amend a provision of the Bank Holding company Act of 1965 regarding prohibitions on investments in certain funds to clarify that such provision shall not be construed to require the divestiture of certain collateralized debt obligations backed by trust-preferred securities or debt securities of collateralized loan obligations.

S. 1908

At the request of Mr. CORNYN, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Kansas (Mr. MORAN), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1908, a bill to allow reciprocity for the carrying of certain concealed firearms.

AMENDMENT NO. 2615

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2615 intended to be proposed to S. 1845, a bill to provide for the extension of certain unemployment benefits, and for other purposes.

AMENDMENT NO. 2618

At the request of Mrs. SHAHEEN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2618 intended to be proposed to S. 1845, a bill to provide for the extension of certain unemployment benefits, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 330—RECOGNIZING THE 50TH ANNIVERSARY OF ''SMOKING AND HEALTH: REPORT OF THE ADVISORY COMMITTEE TO THE SURGEON GENERAL OF THE UNITED STATES'' AND THE SIGNIFICANT PROGRESS IN REDUCING THE PUBLIC HEALTH BURDEN OF TOBACCO USE, AND SUPPORTING AN END TO TOBACCO-RELATED DEATH AND DISEASE

Mr. BLUMENTHAL (for himself, Mr. DURBIN, Mr. HARKIN, Mr. BROWN, Mr. MARKEY, Mr. MERKLEY, Ms. HEITKAMP, Mr. JOHNSON of South Dakota, Mr. CASEY, Mrs. FEINSTEIN, and Mr. KING) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 330

Whereas ''Smoking and Health: Report of the Advisory Committee to the Surgeon General of the United States'' (referred to in this preamble as the ''1964 Report of the Surgeon General on Smoking and Health'') was the first Surgeon General of the United States report to definitively link smoking with lung cancer and heart disease;

Whereas the 1964 Report of the Surgeon General on Smoking and Health paved the way for a series of important public health initiatives aimed at reducing the burden of tobacco use, including the addition of health warnings to cigarette packages, bans on cigarette advertising in the broadcast media, and the removal of fruit flavoring that appeal to children from cigarettes;

Whereas tobacco control policies and public health initiatives aimed at curbing tobacco use contributed to a decrease in the prevalence of smoking by people of the United States from 42 percent in 1965 to 18 percent in 2012;

Whereas tobacco use remains one of the most pressing public health concerns of the United States and is the leading preventable cause of disease, disability, and death in the United States;

Whereas tobacco use causes 18 types of cancer, heart disease, chronic obstructive pulmonary disease, pregnancy complications, and a host of other diseases and conditions;

Whereas in January of 2014, more than 43,000,000 adults of the United States smoke, more than 8,000,000 of such adults live with a serious illness caused by smoking, and more than 440,000 people of the United States die prematurely each year as a result of tobacco use;

Whereas most tobacco users begin smoking as children, every day more than 3,000 children try a cigarette for the first time, 700 children become daily smokers, and ⅓ of such children are projected to die prematurely as a result of tobacco use; and

Whereas smoking exacts a $193,000,000,000 toll on the economy of the United States each year, including $96,000,000,000 in direct medical costs and $97,000,000,000 in lost productivity: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th anniversary of ''Smoking and Health: Report of the Advisory Committee to the Surgeon General of the United States'' and the significant contributions of such report in reducing the public health burden of tobacco use; and

(2) supports ending tobacco-related death and disease.

SENATE RESOLUTION 331—CONGRATULATING THE FLORIDA STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2014 BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP

Mr. NELSON (for himself and Mr. RUBIO) submitted the following resolution; which was considered and agreed to:

S. RES. 331

Whereas on January 6, 2014, before a crowd of more than 94,000 fans in Pasadena, California, the Florida State University Seminoles won the 2014 Bowl Championship Series (BCS) national championship with a 34-31 victory over the Auburn University Tigers;

Whereas Florida State University completed the largest comeback ever in a BCS national title game, giving the university its third national championship;

Whereas the Seminoles finished the 2013 season with a record of 14 wins and 0 losses;

Whereas Florida State University football head coach Jimbo Fisher won his first national title as a head coach, bringing his total record at Florida State University to 45 wins and 10 losses;

Whereas Florida State University quarterback Jameis Winston was awarded the 79th Heisman Memorial Trophy;

Whereas Jameis Winston is the only freshman quarterback to ever lead a Football Bowl Subdivision team to 13 wins and a BCS national title game;

Whereas the Seminoles finished 2013 ranked first in the Harris Poll, the USA Today Coaches Poll, the Associated Press Top 25, and the BCS Standings;

Whereas the Florida State University Seminoles triumphed over the Duke University Blue Devils 45 to 7 to win the Atlantic Coast Conference (ACC) championship title on December 7, 2013;

Whereas Florida State University football had 17 players named to the 2013 All-ACC team, the most of any school in the conference;

Whereas Florida State University fans worldwide supported and encouraged the Seminoles throughout the 2013 football season;

Whereas Florida State University president Eric J. Barron and athletics director Stan Wilcox have led the Florida State University to excellence in both academics and athletics;

Whereas Florida State University is one of the preeminent research universities in the State of Florida; and

Whereas the Florida State University students, faculty, alumni, and all Seminole fans have brought pride to their institution and the entire State of Florida: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Florida State University football team for winning the 2014 Bowl Championship Series national championship;

(2) recognizes the players, coaches, students, staff, and fans whose dedication helped Florida State University win the championship; and

(3) respectfully requests that Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the president of Florida State University, Eric J. Barron;

(B) the athletics director of Florida State University, Stan Wilcox; and

(C) the head coach of the Florida State University football team, Jimbo Fisher.

SENATE RESOLUTION 332—CONGRATULATING THE NORTH DAKOTA STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2013 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I FOOTBALL CHAMPIONSHIP SUBDIVISION TITLE

Mr. HOEVEN (for himself and Ms. HEITKAMP) submitted the following resolution; which was considered and agreed to:

S. RES. 332

Whereas the North Dakota State University (referred to in this preamble as ''NDSU'') Bison won the 2013 National Collegiate Athletic Association (referred to in this preamble as the ''NCAA'') Division I Football Championship Subdivision title game in Frisco, Texas, on January 4, 2014, in a hard fought victory over the Towson University Tigers of Maryland by a score of 35 to 7;

Whereas the NDSU Bison and coach Craig Bohl had an incredible 2013 season and finished unbeaten for the first time since 1990;

Whereas NDSU has won 11 NCAA Football Championships and has now won 3 consecutive NCAA Football Championships since 2011;

Whereas during the championship game, the NDSU Bison offense scored 35 points against the Towson University Tigers;

Whereas Coach Bohl and his staff have instilled character and confidence in the NDSU players and have done an outstanding job with the Bison football program;

Whereas the leadership of President Dean Bresciani and Athletic Director Gene Taylor has helped bring both academic and athletic excellence to NDSU;

Whereas an estimated 17,000 Bison fans attended the Championship game, reflecting the tremendous spirit and dedication of Bison Nation that has helped propel the success of the team; and

Whereas the 2013 NCAA Division I Football Championship Subdivision title was a victory not only for the NDSU football team, but also for the entire State of North Dakota: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the North Dakota State University football team as the champion of the 2013 National Collegiate Athletic Association Division I Football Championship Subdivision title;

(2) commends the North Dakota State University players, coaches, and staff for their hard work and dedication; and

(3) recognizes the students, alumni, and loyal fans for supporting the Bison on the successful quest of the team to capture another Division I trophy for North Dakota State University.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2640. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2631 proposed by Mr. REID (for Mr. REED) to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table.

SA 2641. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2642. Mrs. HAGAN (for herself and Mr. DONNELLY) submitted an amendment intended to be proposed by her to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2643. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2644. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2631 proposed by Mr. REID (for Mr. REED) to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2645. Mrs. HAGAN (for herself, Mr. BEGICH, Mrs. SHAHEEN, Mr. SCHATZ, and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2646. Mr. COATS submitted an amendment intended to be proposed to amendment SA 2631 proposed by Mr. REID (for Mr. REED) to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2647. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 2631 proposed by Mr. REID (for Mr. REED) to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2648. Mr. REED submitted an amendment intended to be proposed to amendment SA 2631 proposed by Mr. REID (for Mr. REED) to the bill S. 1845, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2640. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2631 proposed by Mr. REID (for Mr. REED) to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

On page 12 of the amendment, after line 12, add the following:

SEC. 10. REPEAL OF ANNUAL ADJUSTMENT OF RETIRED PAY AND RETAINER PAY AMOUNTS FOR RETIRED MEMBERS OF THE ARMED FORCES UNDER AGE 62.

Section 403 of the Bipartisan Budget Act of 2013 is hereby repealed.

SA 2641. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REQUIREMENT THAT INDIVIDUALS RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION BE ACTIVELY ENGAGED IN A SYSTEMATIC AND SUSTAINED EFFORT TO OBTAIN SUITABLE WORK.

(a) IN GENERAL.—Subsection (h) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended to read as follows:

''(h) ACTIVELY SEEKING WORK.—

''(1) IN GENERAL.—For purposes of subsection (b)(4), payment of emergency unemployment compensation shall not be made to any individual for any week of unemployment—

''(A) during which the individual fails to accept any offer of suitable work (as defined in paragraph (3)) or fails to apply for any suitable work to which the individual was referred by the State agency; or

''(B) during which the individual fails to actively engage in seeking work, unless such individual is not actively engaged in seeking work because such individual is, as determined in accordance with State law—

''(i) before any court of the United States or any State pursuant to a lawfully issued summons to appear for jury duty (as such term may be defined by the Secretary); or

''(ii) hospitalized for treatment of an emergency or a life-threatening condition (as such term may be defined by the Secretary),

if such exemptions in clauses (i) and (ii) apply to recipients of regular benefits, and the State chooses to apply such exemptions for recipients of emergency unemployment benefits.

''(2) PERIOD OF INELIGIBILITY.—If any individual is ineligible for emergency unemployment compensation for any week by reason of a failure described in subparagraph (A) or (B) of paragraph (1), the individual shall be ineligible to receive emergency unemployment compensation for any week which begins during a period which—

''(A) begins with the week following the week in which such failure occurs; and

''(B) does not end until such individual has been employed during at least 4 weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of 4 multiplied by the individual's average weekly benefit amount for the individual's benefit year.

''(3) SUITABLE WORK.—For purposes of this subsection, the term 'suitable work' means, with respect to any individual, any work which is within such individual's capabilities, except that, if the individual furnishes evidence satisfactory to the State agency that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with the applicable State law.

''(4) EXCEPTION.—Extended compensation shall not be denied under subparagraph (A) of paragraph (1) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work—

''(A) if the gross average weekly remuneration payable to such individual for the position does not exceed the sum of—

''(i) the individual's average weekly benefit amount for his benefit year, plus

''(ii) the amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1986) payable to such individual for such week;

''(B) if the position was not offered to such individual in writing and was not listed with the State employment service;

''(C) if such failure would not result in a denial of compensation under the provisions of the applicable State law to the extent that such provisions are not inconsistent with the provisions of paragraphs (3) and (5); or

''(D) if the position pays wages less than the higher of—

''(i) the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

''(ii) any applicable State or local minimum wage.

''(5) ACTIVELY ENGAGED IN SEEKING WORK.—For purposes of this subsection, an individual shall be treated as actively engaged in seeking work during any week if—

''(A) the individual has engaged in a systematic and sustained effort to obtain work during such week, and

''(B) the individual provides tangible evidence to the State agency that he has engaged in such an effort during such week.

''(6) REFERRAL.—The State agency shall provide for referring applicants for emergency unemployment benefits to any suitable work to which paragraph (4) would not apply.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 2642. Mrs. HAGAN (for herself and Mr. DONNELLY) submitted an amendment intended to be proposed by her to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

Add at the end the following:

TITLE II—AMERICA WORKS

SEC. 201. SHORT TITLE.

This title may be cited as the ''American Manufacturing Efficiency and Retraining Investment Collaboration Achievement Works Act'' or ''AMERICA Works Act''.

SEC. 202. FINDINGS.

Congress finds the following:

(1) Recent data show that United States manufacturing companies cannot fill as many as 600,000 skilled positions, even as unemployment numbers hover at historically high levels.

(2) The unfilled positions are mainly in the skilled production category, and in occupations such as machinist, operator, craft worker, distributor, or technician.

(3) In less than 20 years, an overall loss of expertise and management skill is expected to result from the gradual departure from the workplace of 77,200,000 workers.

(4) Postsecondary success and workforce readiness can be achieved through attainment of a recognized postsecondary credential.

(5) According to the January 2011 Computing Technology Industry Association report entitled ''Employer Perceptions of Information Technology Training and Certification'', 64 percent of hiring information technology managers rate information technology certifications as having extremely high or high value in validating information technology skills and expertise. The value of those certifications is rated highest among senior information technology managers,

such as Chief Information Officers, and managers of medium-size firms.

SEC. 203. INDUSTRY-RECOGNIZED AND NATIONALLY PORTABLE CREDENTIALS FOR JOB TRAINING PROGRAMS.

(a) WORKFORCE INVESTMENT ACT OF 1998.—

(1) YOUTH ACTIVITIES.—Section 129(c)(1)(C) of the Workforce Investment Act of 1998 (29 U.S.C. 2854(c)(1)(C)) is amended—

(A) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively; and

(B) inserting after clause (i) the following:

''(ii) training (which may include priority consideration for training programs that lead to recognized postsecondary credentials (as defined in section 204 of the AMERICA Works Act) that are aligned with in-demand occupations or industries in the local area involved, if the local board determines that the programs meet the quality criteria described in section 123);''.

(2) GENERAL EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(d)(4)(F) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)(F)) is amended by adding at the end the following:

''(iv) PROGRAMS THAT LEAD TO AN INDUSTRY-RECOGNIZED AND NATIONALLY PORTABLE CREDENTIAL.—In assisting individuals in selecting programs of training services under this section, a one-stop operator and employees of a one-stop center referred to in subsection (c) may give priority consideration to programs (approved in conjunction with eligibility decisions made under section 122) that lead to recognized postsecondary credentials (as defined in section 204 of the AMERICA Works Act) that are aligned with in-demand occupations or industries in the local area involved.''.

(3) CRITERIA.—

(A) GENERAL EMPLOYMENT AND TRAINING ACTIVITIES.—Section 122(b)(2)(D) of the Workforce Investment Act of 1998 (29 U.S.C. 2842(b)(2)(D)) is amended—

(i) in clause (ii), by striking ''and'' at the end;

(ii) in clause (iii), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iv) in the case of a provider of a program of training services that leads to a recognized postsecondary credential (as defined in section 204 of the AMERICA Works Act), that the program leading to the credential meets such quality criteria as the Governor shall establish.''.

(B) YOUTH ACTIVITIES.—Section 123 of the Workforce Investment Act of 1998 (29 U.S.C. 2843) by inserting ''(including such quality criteria as the Governor shall establish for a training program that leads to a recognized postsecondary credential (as defined in section 204 of the AMERICA Works Act))'' after ''plan''.

(b) CAREER AND TECHNICAL EDUCATION.—

(1) STATE PLAN.—Section 122(c)(1)(B) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342(c)(1)(B)) is amended—

(A) by striking ''(B) how'' and inserting ''(B)(i) how'';

(B) by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(ii) in the case of an eligible entity that, in developing and implementing programs of study leading to recognized postsecondary credentials, desires to give a priority to such programs that are aligned with in-demand occupations or industries in the area served (as determined by the eligible agency) and that may provide a basis for additional credentials, certificates, or degree, how the entity will do so;''.

(2) USE OF LOCAL FUNDS.—Section 134(b) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2354(b)) is amended—

(A) in paragraph (11), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (12)(B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(13) describe the career and technical education activities supporting the attainment of recognized postsecondary credentials (as defined in section 204 of the AMERICA Works Act), and, in the case of an eligible recipient that desires to provide priority consideration to certain programs of study in accordance with the State plan under section 122(c)(1)(B), how the eligible recipient will give priority consideration to such activities.''.

(3) TECH-PREP PROGRAMS.—Section 203(c)(2)(E) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2373(c)(2)(E)) is amended by striking ''industry-recognized credential, a certificate,'' and inserting ''recognized postsecondary credential (as defined in section 204 of the AMERICA Works Act and approved by the eligible agency),''.

SEC. 204. DEFINITIONS.

In this title:

(1) INDUSTRY-RECOGNIZED.—The term ''industry-recognized'', used with respect to a credential, means a credential that—

(A) is sought or accepted by employers within the industry sector involved as recognized, preferred, or required for recruitment, screening, hiring, or advancement;

(B) is endorsed by a recognized trade or professional association or organization, representing a significant part of the industry sector; and

(C) is a nationally portable credential, meaning a credential that is sought or accepted, across multiple States, as described in subparagraph (A).

(2) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ''recognized postsecondary credential'' means a credential consisting of an industry-recognized credential for postsecondary training, a certificate that meets the requirements of subparagraphs (A) and (C) of paragraph (1) for postsecondary training, a certificate of completion of a postsecondary apprenticeship through a program described in section 122(a)(2)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2842(a)(2)(B)), or an associate degree or baccalaureate degree awarded by an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 205. EFFECTIVE DATE.

This title, and the amendments made by this title, take effect 120 days after the date of enactment of this Act.

SA 2643. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 2 through 6 and insert the following:

SEC. 2. EXTENSION AND MODIFICATION OF THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) EXTENSION.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subsection (a)(2), by striking ''January 1, 2014'' and inserting ''January 1, 2015''; and

(2) by striking subsection (b) and inserting the following:

''(b) PAYMENT OF AMOUNTS REMAINING IN ACCOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual who has amounts remaining in an account established under section 4002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before January 1, 2015, the following rules shall apply:

''(A) Taking into account any augmentation under subparagraph (B), emergency unemployment compensation shall continue to be payable to such individual under this title for any week beginning after such last day as long as the individual meets the eligibility requirements of this title.

''(B) Augmentation under subsection (c), (d), and (e) of section 4002 may occur after such date as long as the requirements for such augmentation are otherwise met.

''(2) LIMIT ON COMPENSATION.—No compensation under this title shall be payable for any week beginning after October 3, 2015.''.

(b) MODIFICATIONS RELATING TO WEEKS OF EMERGENCY UNEMPLOYMENT COMPENSATION.—

(1) FIRST TIER.—Section 4002(b) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note; Public Law 110–252) is amended—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to—

''(A) for an account established after December 28, 2013, and before March 30, 2014, the lesser of—

''(i) 54 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 14 times the individual's average weekly benefit amount for the benefit year;

''(B) for an account established after March 29, 2014, and before June 29, 2014, the lesser of—

''(i) 43 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 11 times the individual's average weekly benefit amount for the benefit year;

''(C) for an account established after June 28, 2014, and before September 27, 2014, the lesser of—

''(i) 27 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 7 times the individual's average weekly benefit amount for the benefit year; or

''(D) for an account established after September 26, 2014, and before January 1, 2015, the lesser of—

''(i) 16 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 4 times the individual's average weekly benefit amount for the benefit year.'';

(B) by striking paragraph (3); and

(C) by redesignating paragraph (3) as paragraph (2).

(2) SECOND TIER.—Section 4002(c)(1) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note; Public Law 110–252) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) for an account established under subsection (a) after December 28, 2013, and before March 30, 2014, the lesser of—

''(i) 54 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 14 times the individual's average weekly benefit amount for the benefit year;

''(B) for an account established under subsection (a) after March 29, 2014, and before June 29, 2014, the lesser of—

''(i) 43 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 11 times the individual's average weekly benefit amount for the benefit year;

''(C) for an account established under subsection (a) after June 28, 2014, and before September 27, 2014, the lesser of—

''(i) 27 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 7 times the individual's average weekly benefit amount for the benefit year; or

''(D) for an account established under subsection (a) after September 26, 2014, and before January 1, 2015, the lesser of—

''(i) 16 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 4 times the individual's average weekly benefit amount for the benefit year.''.

(3) THIRD TIER.—Section 4002(d) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note; Public Law 110–252) is amended—

(A) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

''(A) for an account established under subsection (a) after December 28, 2013, and before March 30, 2014, the lesser of—

''(i) 35 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 9 times the individual's average weekly benefit amount for the benefit year;

''(B) for an account established under subsection (a) after March 29, 2014, and before June 29, 2014, the lesser of—

''(i) 27 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 7 times the individual's average weekly benefit amount for the benefit year;

''(C) for an account established under subsection (a) after June 28, 2014, and before September 27, 2014, the lesser of—

''(i) 20 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 5 times the individual's average weekly benefit amount for the benefit year;

''(D) for an account established under subsection (a) after September 26, 2014, and before January 1, 2015, the lesser of—

''(i) 12 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 3 times the individual's average weekly benefit amount for the benefit year.''; and

(B) by striking paragraph (5).

(4) FOURTH TIER.—Section 4002(e) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note; Public Law 110–252) is amended—

(A) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

''(A) for an account established under subsection (a) after December 28, 2013, and before March 30, 2014, the lesser of—

''(i) 39 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 10 times the individual's average weekly benefit amount for the benefit year;

''(B) for an account established under subsection (a) after March 29, 2014, and before June 29, 2014, the lesser of—

''(i) 27 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 7 times the individual's average weekly benefit amount for the benefit year;

''(C) for an account established under subsection (a) after June 28, 2014, and before September 27, 2014, the lesser of—

''(i) 20 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 5 times the individual's average weekly benefit amount for the benefit year; or

''(D) for an account established after September 26, 2014, and before January 1, 2015, the lesser of—

''(i) 12 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

''(ii) 3 times the individual's average weekly benefit amount for the benefit year.''; and

(B) by striking paragraph (5).

(c) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) in subparagraph (J), by inserting ''and'' at the end; and

(3) by inserting after subparagraph (J) the following:

''(K) the amendments made by subsections (a) and (b) of section 2 of the Emergency Unemployment Compensation Extension Act;''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning on or after December 29, 2013.

SEC. 3. FLEXIBILITY FOR UNEMPLOYMENT PROGRAM AGREEMENTS.

(a) FLEXIBILITY.—

(1) IN GENERAL.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before December 1, 2013, that, upon taking effect, would violate such subsection.

(2) EFFECTIVE DATE.—Paragraph (1) is effective with respect to weeks of unemployment beginning on or after December 29, 2013.

(b) PERMITTING A SUBSEQUENT AGREEMENT.—Nothing in title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) shall preclude a State whose agreement under such title was terminated from entering into a subsequent agreement under such title on or after the date of the enactment of this Act if the State, taking into account the application of subsection (a), would otherwise meet the requirements for an agreement under such title.

SEC. 4. DISQUALIFICATION ON RECEIPT OF DISABILITY INSURANCE BENEFITS IN A MONTH FOR WHICH UNEMPLOYMENT COMPENSATION IS RECEIVED.

(a) IN GENERAL.—Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by adding at the end the following:

''(C)(i) If for any month an individual is entitled to unemployment compensation, such individual shall be deemed to have engaged in substantial gainful activity for such month.

''(ii) For purposes of clause (i), the term 'unemployment compensation' means—

''(I) 'regular compensation', 'extended compensation', and 'additional compensation' (as such terms are defined by section 205 of the Federal-State Extended Unemployment Compensation Act (26 U.S.C. 3304 note)); and

''(II) trade adjustment assistance under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).''.

(b) TRIAL WORK PERIOD.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following:

''(6)(A) For purposes of this subsection, an individual shall be deemed to have rendered services in a month if the individual is entitled to unemployment compensation for such month.

''(B) For purposes of subparagraph (A), the term 'unemployment compensation' means—

''(i) 'regular compensation', 'extended compensation', and 'additional compensation' (as such terms are defined by section 205 of the Federal-State Extended Unemployment Compensation Act (26 U.S.C. 3304 note)); and

''(ii) trade adjustment assistance under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).''.

(c) DATA MATCHING.—The Commissioner of Social Security shall implement the amendments made by this section using appropriate electronic data.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to months after December 2013.

SEC. 5. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (d) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) IDENTIFICATION REQUIREMENT WITH RESPECT TO TAXPAYER.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer's Social Security number on the return of tax for such taxable year.

''(B) JOINT RETURNS.—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.''.

(b) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (I) of section 6213(g)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(I) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return,''.

(c) CONFORMING AMENDMENT.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended by inserting ''WITH RESPECT TO QUALIFYING CHILDREN'' after ''IDENTIFICATION REQUIREMENT'' in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 6. LIMITATION ON PAYMENT OF PORTION OF PREMIUM BY FEDERAL CROP INSURANCE CORPORATION.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

''(8) LIMITATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the total amount of premium paid by the Corporation on behalf of a person or legal entity, directly or indirectly, with respect to all policies issued to the person or legal entity under this title for a crop year shall be limited to a maximum of $50,000.

''(B) RELATIONSHIP TO OTHER LAW.—To the maximum extent practicable, the Corporation shall carry out this paragraph in accordance with sections 1001 through 1001F of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.).''.

SA 2644. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2631 proposed by Mr. REID (for Mr. REED) to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, between lines 2 and 3, insert the following:

(e) TERMINATION OF EFFECTIVENESS.—

(1) IN GENERAL.—The amendments made by this section shall terminate on the day that is 30 days after the date of enactment of this Act if the Secretary of Labor, acting through the Bureau of Labor Statistics, in coordination with the heads of other Federal agencies, including the Administrator of the Environmental Protection Agency and the Secretary of Health and Human Services, fails to publish in the Federal Register a report that models the impact of major Federal regulations on job creation across the whole economy of the United States.

(2) UPDATES.—

(A) IN GENERAL.—The Secretary of Labor, acting through the Bureau of Labor Statistics, shall update the report described in paragraph (1) not less frequently than once every 30 days.

(B) TERMINATION.—The amendments made by this section shall terminate on the date that is 30 days after the date on which the most recent report described in subparagraph (A) is required if the Secretary of Labor, acting through the Bureau of Labor Statistics, fails to update the report in accordance with subparagraph (A).

SA 2645. Mrs. HAGAN (for herself, Mr. BEGICH, Mrs. SHAHEEN, Mr. SCHATZ, and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. REPEAL OF REDUCTIONS IN MILITARY RETIREMENT BENEFITS MADE BY BIPARTISAN BUDGET ACT OF 2013.

Section 403 of the Bipartisan Budget Act of 2013 (Public Law 113–67) is repealed effective as of the date of the enactment of such Act.

SA 2646. Mr. COATS submitted an amendment intended to be proposed to amendment SA 2631 proposed by Mr. REID (for Mr. REED) to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ____. REQUIREMENT THAT INDIVIDUALS RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION BE ACTIVELY ENGAGED IN A SYSTEMATIC AND SUSTAINED EFFORT TO OBTAIN SUITABLE WORK.

(a) IN GENERAL.—Subsection (h) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended to read as follows:

''(h) ACTIVELY SEEKING WORK.—

''(1) IN GENERAL.—For purposes of subsection (b)(4), payment of emergency unemployment compensation shall not be made to any individual for any week of unemployment—

''(A) during which the individual fails to accept any offer of suitable work (as defined in paragraph (3)) or fails to apply for any suitable work to which the individual was referred by the State agency; or

''(B) during which the individual fails to actively engage in seeking work, unless such individual is not actively engaged in seeking work because such individual is, as determined in accordance with State law—

''(i) before any court of the United States or any State pursuant to a lawfully issued summons to appear for jury duty (as such term may be defined by the Secretary); or

''(ii) hospitalized for treatment of an emergency or a life-threatening condition (as such term may be defined by the Secretary),

if such exemptions in clauses (i) and (ii) apply to recipients of regular benefits, and the State chooses to apply such exemptions for recipients of emergency unemployment benefits.

''(2) PERIOD OF INELIGIBILITY.—If any individual is ineligible for emergency unemployment compensation for any week by reason of a failure described in subparagraph (A) or (B) of paragraph (1), the individual shall be ineligible to receive emergency unemployment compensation for any week which begins during a period which—

''(A) begins with the week following the week in which such failure occurs; and

''(B) does not end until such individual has been employed during at least 4 weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of 4 multiplied by the individual's average weekly benefit amount for the individual's benefit year.

''(3) SUITABLE WORK.—For purposes of this subsection, the term 'suitable work' means, with respect to any individual, any work which is within such individual's capabilities, except that, if the individual furnishes evidence satisfactory to the State agency that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with the applicable State law.

''(4) EXCEPTION.—Extended compensation shall not be denied under subparagraph (A) of paragraph (1) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work—

''(A) if the gross average weekly remuneration payable to such individual for the position does not exceed the sum of—

''(i) the individual's average weekly benefit amount for his benefit year, plus

''(ii) the amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1986) payable to such individual for such week;

''(B) if the position was not offered to such individual in writing and was not listed with the State employment service;

''(C) if such failure would not result in a denial of compensation under the provisions of the applicable State law to the extent that such provisions are not inconsistent with the provisions of paragraphs (3) and (5); or

''(D) if the position pays wages less than the higher of—

''(i) the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

''(ii) any applicable State or local minimum wage.

''(5) ACTIVELY ENGAGED IN SEEKING WORK.—For purposes of this subsection, an individual shall be treated as actively engaged in seeking work during any week if—

''(A) the individual has engaged in a systematic and sustained effort to obtain work during such week, and

''(B) the individual provides tangible evidence to the State agency that he has engaged in such an effort during such week.

''(6) REFERRAL.—The State agency shall provide for referring applicants for emergency unemployment benefits to any suitable work to which paragraph (4) would not apply.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 2647. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 2631 proposed by Mr. REID (for Mr. REED) to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 2 and all that follows through the end, and insert the following:

SEC. 2. EXTENSION AND MODIFICATION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) EXTENSION.—Section 4007(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''January 1, 2014'' and inserting ''April 1, 2014''.

(b) MODIFICATIONS RELATING TO WEEKS OF EMERGENCY UNEMPLOYMENT COMPENSATION.—

(1) NUMBER OF WEEKS IN FIRST TIER BEGINNING AFTER DECEMBER 28, 2013.—Section 4002(b) of such Act is amended—

(A) by redesignating paragraph (3) as paragraph (4);

(B) in paragraph (2)—

(i) in the heading, by inserting '', AND WEEKS ENDING BEFORE DECEMBER 30, 2013'' after ''2012''; and

(ii) in the matter preceding subparagraph (A), by inserting '', and before December 30, 2013'' after ''2012''; and

(C) by inserting after paragraph (2) the following:

''(3) SPECIAL RULE RELATING TO AMOUNTS ESTABLISHED IN AN ACCOUNT AS OF A WEEK ENDING AFTER DECEMBER 29, 2013.—Notwithstanding any provision of paragraph (1), in the case of any account established as of a week ending after December 29, 2013—

''(A) paragraph (1)(A) shall be applied by substituting '24 percent' for '80 percent'; and

''(B) paragraph (1)(B) shall be applied by substituting '6 times' for '20 times'.''.

(2) NUMBER OF WEEKS IN SECOND TIER BEGINNING AFTER DECEMBER 28, 2013.—Section 4002(c) of such Act is amended by adding at the end the following:

''(5) SPECIAL RULE RELATING TO AMOUNTS ADDED TO AN ACCOUNT AS OF A WEEK ENDING AFTER DECEMBER 29, 2013.—Notwithstanding any provision of paragraph (1), if augmentation under this subsection occurs as of a week ending after December 29, 2013—

''(A) paragraph (1)(A) shall be applied by substituting '24 percent' for '54 percent'; and

''(B) paragraph (1)(B) shall be applied by substituting '6 times' for '14 times'.''.

(c) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) in subparagraph (J), by inserting ''and'' at the end; and

(3) by inserting after subparagraph (J) the following:

''(K) the amendments made by subsections (a) and (b) of section 2 of the Emergency Unemployment Compensation Extension Act;''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112–240).

SEC. 3. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—

(1) by striking ''December 31, 2013'' each place it appears and inserting ''March 31, 2014''; and

(2) in subsection (c), by striking ''June 30, 2014'' and inserting ''September 30, 2014''.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''June 30, 2014'' and inserting ''September 30, 2014''.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking ''December 31, 2013'' and inserting ''March 31, 2014''; and

(2) in subsection (f)(2), by striking ''December 31, 2013'' and inserting ''March 31, 2014''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112–240).

SEC. 4. EXTENSION OF FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) IN GENERAL.—Section 4004(c)(2)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''through fiscal year 2014'' and inserting ''through the first quarter of fiscal year 2015''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112–240).

SEC. 5. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii)) is amended—

(1) by striking ''June 30, 2013'' and inserting ''September 30, 2013''; and

(2) by striking ''December 31, 2013'' and inserting ''March 31, 2014''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

(c) FUNDING FOR ADMINISTRATION.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $62,500 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

SEC. 6. FLEXIBILITY FOR UNEMPLOYMENT PROGRAM AGREEMENTS.

(a) FLEXIBILITY.—

(1) IN GENERAL.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before December 1, 2013, that, upon taking effect, would violate such subsection.

(2) EFFECTIVE DATE.—Paragraph (1) is effective with respect to weeks of unemployment beginning on or after December 29, 2013.

(b) PERMITTING A SUBSEQUENT AGREEMENT.—Nothing in such title IV shall preclude a State whose agreement under such title was terminated from entering into a subsequent agreement under such title on or after the date of the enactment of this Act if the State, taking into account the application of subsection (a), would otherwise meet the requirements for an agreement under such title.

SEC. 7. REPEAL OF REDUCTIONS MADE BY BIPARTISAN BUDGET ACT OF 2013.

Section 403 of the Bipartisan Budget Act of 2013 (Public Law 113-67) is repealed as of the date of the enactment of such Act.

SEC. 8. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (d) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) IDENTIFICATION REQUIREMENT WITH RESPECT TO TAXPAYER.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer's Social Security number on the return of tax for such taxable year.

''(B) JOINT RETURNS.—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.

''(C) LIMITATION.—Subparagraph (A) shall not apply to the extent the tentative minimum tax (as defined in section 55(b)(1)(A)) exceeds the credit allowed under section 32.''.

(b) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (I) of section 6213(g)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(I) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return,''.

(c) CONFORMING AMENDMENT.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended by inserting ''WITH RESPECT TO QUALIFYING CHILDREN'' after ''IDENTIFICATION REQUIREMENT'' in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2648. Mr. REED submitted an amendment intended to be proposed to amendment SA 2631 proposed by Mr. REID (for Mr. REED) to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 7 of the amendment.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on January 16, 2013, at 10:00 a.m., in room SD–106 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Strengthening Federal Access Programs to Meet 21st Century Needs: A Look at TRIO and GEAR UP.''

For further information regarding this meeting, please contact Aissa Canchola of the committee staff on (202) 224–2009.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet in executive session on Monday, January 13, 2014, at 5:30 p.m. in room S–214.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE FLORIDA STATE UNIVERSITY FOOTBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 331.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 331) congratulating the Florida State University football team for winning the 2014 Bowl Championship Series national championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON. Mr. President, I am going to take advantage of the fact that the Senator from Alabama is here, because we are bringing forth today a resolution which will pass by unanimous consent, if the Senators from Alabama will so agree. The fact is that it was a marvelous national championship game. Whichever won, it was obvious that one was going to be No. 1 and the other one, as it turned out, was going to be No. 2, as it should have been, in the entire national collegiate football program.

I want to tell the Senator how much I admire his university, Auburn University, and that it is my privilege to speak on behalf of Florida State University, and there is no question, I knew that whoever ended up with the score by the end of the game, they were the national championship team and, lo and behold, did that score go back and forth. With a little over a minute left, Florida State, led by their Heisman Trophy winning-quarterback, took it down the entire length of the field. It was a sight to behold. I just wanted to say those words while the Senator from Alabama was here.

Mr. SESSIONS. Mr. President, I think it is a remarkable achievement. Some people think our young people are not willing to work, not willing to discipline themselves, but those two teams played their hearts out. They did not get there working at it a few weeks ago. They worked all year in the weight rooms and studying, preparing themselves to reach this high level of excellence that delivered a thrilling game for us all. Florida State is a terrific team. I think everybody knew Auburn was going to have to be really up to speed to be able to compete—and they were able to. The Senator is right, and I am pleased to note that our Heisman Trophy winner this year is a native of Hueytown, AL. We will claim credit for that too.

Mr. NELSON. I concede that.

Mr. SESSIONS. Auburn drove down the field on that last drive, having to score to win the game, and just pounded away and Tre Mason ran down there and ran over somebody and scored the touchdown. But you are a Heisman Trophy-winning team, and all of you pulled together and came back and won with a few seconds to spare. It was spectacular. You well deserve the right to recognize them by resolution. I certainly will not object.

I will add one more thing. Had Auburn won, it would have been the fifth consecutive year Auburn or Alabama had won the national championship. We would have liked to have seen that happen, but congratulations go to Florida State. They deserved to win, and they played well enough to win and did win.

Mr. NELSON. This Senator is wearing a garnet and gold tie. I noticed the Senator from Alabama is wearing a crimson tie, but certainly his allegiance is orange and blue, I take it?

Mr. SESSIONS. Orange and blue. I celebrate them. I did have my Auburn tie on the day of the game. But I love Alabama; it is a fabulous program. I spent 3 years there and remain a big fan. I am maybe one of the few people in the State who really, truly had a divided allegiance about whom to be for. Those are super universities.

I would say to Senator NELSON, as I shared with him, I am really impressed with the University of Florida where my grandson had some great surgery done by the finest doctor in the world, I believe, for the condition he had. He has done so well. I know both of us are proud of the great institutions in our State.

Mr. NELSON. Mr. President, this resolution awaits unanimous consent by the Senate, which I assume will occur today. We tried it for last Thursday night before the Senate adjourned, but I think everything has been cleared now. The resolution will commemorate the fact that Florida State is now the BCS champion. Senator RUBIO and I have submitted the resolution. It commends the university for the 34-to-31 championship game, which the Senator from Alabama and I have just talked about. It caps a remarkable season of 14 and 0 for the Seminoles, led by head coach Jimbo Fisher and his Heisman Trophy-winning quarterback Jameis Winston.

This Senator will concede to the Senator from Alabama that he is originally from Hueytown, AL—which is not too far north of the Florida line. So, for all the players, the coaches, the students, the staff and indeed the fans—all of those of Florida State have made the university and the entire State of Florida very proud by winning this game in such an exciting, hard-fought and well-fought game.

I am grateful to our Senate colleagues for helping to agree to this resolution today.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 331) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

CONGRATULATING THE NORTH DAKOTA STATE UNIVERSITY FOOTBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 332.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 332) congratulating the North Dakota State University football team for winning the 2013 National Collegiate Athletic Association Division I Football Championship Subdivision title.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 332) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR TUESDAY, JANUARY 14, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, January 14, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 1845, the unemployment insurance extension legislation, with the time until 12:30 p.m. equally divided between the two leaders or their designees—and that would be controlled time—with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes; further, that the filing deadline for second-degree amendments to S. 1845 be 11 a.m., Tuesday; that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings; and finally, that the time from 2:15 p.m. to 2:30 p.m. be equally divided and controlled between the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there could be two rollcall votes tomorrow at 2:30 p.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:10 p.m., adjourned until Tuesday, January 14, 2014, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL RESERVE SYSTEM

STANLEY FISCHER, OF NEW YORK, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS, VICE JANET L. YELLEN.

STANLEY FISCHER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2006, VICE BEN S. BERNANKE.

LAEL BRAINARD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2012, VICE ELIZABETH A. DUKE, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate January 13, 2014:

THE JUDICIARY

ROBERT LEON WILKINS, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.